

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79114998
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION (no change)	
ARGUMENT(S)	
<p style="text-align: center;"><u>RESPONSE TO FINAL OFFICE ACTION</u></p> <p>In a Final Office Action dated November 18, 2013, the U.S. Patent and Trademark Office maintained and made final the refusal to register the mark BOOKING.COM on the basis that the mark is alleged to be generic. Applicant submits that BOOKING.COM is not generic and, to the extent the mark is considered descriptive, the evidence of acquired distinctiveness submitted by Applicant proves that the mark has acquired secondary meaning and is entitled to registration on the Principal Register under Section 2(f).</p> <p>I. <u>BOOKING.COM is inherently distinctive</u></p> <p>A mark is “merely descriptive” of the goods and services if it would <i>immediately convey</i> to one seeing or hearing it the thought of the product. <i>In re American Soc’y of Clinical Pathologists, Inc.</i>, 169 U.S.P.Q. 800, 801 (C.C.P.A. 1971). Conversely, “if the mental leap between the word and the product’s attributes is not almost <i>instantaneous</i>, this strongly indicates suggestiveness, not direct descriptiveness.” J. Thomas McCarthy, 2 McCarthy on Trademarks § 11:67 (4th ed. 1999, Rev. 3/2008) (emphasis supplied); <i>In re Tennis in the Round, Inc.</i>, 199 U.S.P.Q. 496, 497 (T.T.A.B. 1978) (TENNIS IN THE ROUND found not to be descriptive of tennis facilities); <i>Hasbro, Inc. v. Lanard Toys, Ltd.</i>, 858 F.2d 70 (2d Cir. 1988) (GUNG-HO found to be suggestive rather than descriptive of a cartoon-</p>	

based toy action doll); *Tanel Corp. v. Reebok Int'l, Ltd.*, 774 F. Supp 49 (D. Mass. 1990) (360° not descriptive of sports shoes). Applicant submits that the term BOOKING (and certainly the actual mark for which registration is sought, BOOKING.COM) lacks significance with the relevant purchasing public other than as a trademark designating one of the most highly trusted (if not *the* most highly trusted) on-line travel agencies in the United States. Stated differently, and even assuming it is fair to dissect the mark into constituent elements, any meaning of the term BOOKING that would be relevant to the average purchasers in the United States, with respect to the services identified in the application, would not be *forthwith* understood *immediately* with any *particularity* —the relevant standard. *See In re Stereotaxis, Inc.*, 429 F.3d 1039 (Fed. Cir. 2005) (emphasis added); TMEP § 1209.01(b); *In re Major League Baseball Properties, Inc.*, Serial Nos. 78/183,355 and 78/183,381 (T.T.A.B. March 2, 2005) (non-precedential).

Instead, BOOKING.COM is inherently ambiguous as “booking” can refer to many different things, including entertainment bookings, theatrical bookings and criminal bookings, as well as a slang usage for being bookish. The primary (and only) definition for “BOOKING” in the Collins American Dictionary is “[a]n engagement, as for a lecture or concert.” **Exhibit A.** Consumers could reasonably perceive BOOKING.COM as suggesting a website relating to entertainment performances, not a website related to travel agency services. Therefore, the mark BOOKING.COM does not *immediately* convey to consumers the thought of hotel reservations services or Applicant’s various travel agency services, strongly suggesting that the mark is suggestive rather than merely descriptive.

Further, in all of the website evidence attached to the Office Action, the term “BOOKING” is modified or clarified with other wording, such as hotel-booking website, reservation-booking website, or travel-booking website. This further suggests that the term “BOOKING” on its own is vague and ambiguous and does not convey any information regarding Applicant’s services with any degree of particularity, hence requiring the clarifying language. *See In re Entenmann’s, Inc.*, 15 U.S.P.Q.2d 1750 (TTAB 1990) (a descriptive mark must describe the goods or services with “some particularity”). For these reasons, Applicant submits that the wording in the mark is suggestive of the underlying services, not merely descriptive.

Applicant respectfully submits that the Examining Attorney has not established a *prima facie* case that the mark BOOKING.COM is merely descriptive of Applicant’s services and therefore requests that the refusal be withdrawn. In any event, where doubt exists as to whether a mark is descriptive, such doubt

should be resolved in favor of the applicant. *In re International Taste, Inc.*, 53 USPQ2d 1604 (TTAB 2000). Accordingly, even if there is doubt as to the inherent distinctiveness of the mark BOOKING.COM, this doubt should be resolved in Applicant's favor and the descriptiveness refusal should be withdrawn.

II. BOOKING.COM is Not Generic

The question of whether a claimed mark is generic is a question of fact. *In re Reed Elsevier Props., Inc.*, 482 F.3d 1376, 1378, 82 U.S.P.Q.2d 1378 (Fed. Cir. 2007). The burden to establish the fact of genericness rests squarely on the Examining Attorney. *In re Merrill, Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1576, 1571 (Fed. Cir. 1987). The Examining Attorney must satisfy that burden by clear evidence. *Trademark Manual of Examining Procedure* 1209.01(c)(i) (8th Ed., revised April 2013) (“The Examining Attorney has the burden of proving that a term is generic by clear evidence.”).

The Supreme Court has explained that to demonstrate whether a claimed mark is generic, the relevant inquiry is whether the “*primary* significance of the term in the minds of the consuming public is not the product but the producer.” *Kellogg Co. v. National Biscuit Co.*, 305 U.S. 111, 118 (1938) (emphasis added). “A generic term is one that does not distinguish the goods of one producer from the goods of others. Instead, it is one that either by definition or through common use ‘has come to be understood as referring to the genus of which the particular product is a species.’” *Keebler Co. v. Rovira Biscuit Corp.*, 624 F.2d 366, 373-74 (1st Cir. 1980) (quoting *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976).). As Professor McCarthy alternately has put it, “A mark answers the buyer’s question ‘Who are you? Where do you come from? Who vouches for you? But the [generic] name of the product answers the question ‘What are you?’” J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 12:01 (4th ed. 2009).

The Federal Circuit has explained that “[t]he critical issue in determining genericness is whether members of the relevant public primarily use or understand the designation sought to be registered or that is already registered to refer to the genus or category of goods in question.” Resolution of the issue “involves a two-step inquiry: First, what is the genus of goods or services at issue? Second, is the term sought to be registered . . . understood by the relevant public primarily to refer to that genus of goods or services.” *H. Marvin Ginn Corp. v. Int’l Ass’n of Fire Chiefs, Inc.*, 782 F.2d 987, 990, 228 U.S.P.Q.

528, 530 (Fed. Cir. 1986).

More specifically, the Examining Attorney must show that the “primary significance” of BOOKING.COM “to the relevant consuming public” is to designate the services identified in the application, namely:

Arranging of tours and arranging of tours online; reservation and sale of travel tickets and online reservation and sale of travel tickets; information, advice and consultancy regarding the arranging of tours and the reservation and sale of travel tickets; provision of information relating to travel and travel destinations; travel and tour agency services, namely, travel and tour ticket reservation services; travel agency services; tourist agency services; providing online travel and tourism services, namely, providing online travel and tour ticket reservation services, online travel agency services, online tourist agency services and providing online information relating to travel and travel destinations.

Making hotel reservations for others; holiday accommodation reservation services and resort reservation services, namely, providing hotel room reservation services and resort hotel reservation services and providing online hotel and resort hotel room reservation services; providing information about hotels, holiday accommodations and resorts accommodations, whether or not based on the valuation of customers; providing information, advice and consultancy relating making hotel reservations and temporary accommodation reservations; providing online information, advice and consultancy relating making hotel reservations and temporary accommodation reservations

See, e.g., Magic Wand, Inc. v. RDB, Inc., 940 F.2d 638, 641-42, 19 U.S.P.Q.2d 1551, 1554 (Fed. Cir. 1991).

The basis for the Examining Attorney’s position that the mark BOOKING.COM is generic for Applicant’s services is articulated as follows: “In the present case, the identification, and thus the genus, is booking services including online booking services.” (Office Action dated November 18, 2013).

There are a number of flaws in this conclusory and circular statement of fact and law. First, Applicant disagrees with the Examining Attorney’s conclusion that its services are properly classified as “booking services,” and the Examining Attorney has not even explained what this class of services is. Second, the Examining Attorney has not met her burden to prove that the mark BOOKING.COM is generic by clear and convincing evidence. Third, the authorities cited by the Examining Attorney are distinguishable and do not support the conclusion that BOOKING.COM is generic. Finally, Applicant has submitted compelling evidence that BOOKING.COM has acquired distinctiveness in the

marketplace and the mark is eligible for registration on that basis.

A. Applicant's Services are Not Properly Classified as "Booking Services"

Applicant has applied to register BOOKING.COM for:

Arranging of tours and arranging of tours online; reservation and sale of travel tickets and online reservation and sale of travel tickets; information, advice and consultancy regarding the arranging of tours and the reservation and sale of travel tickets; provision of information relating to travel and travel destinations; travel and tour agency services, namely, travel and tour ticket reservation services; travel agency services; tourist agency services; providing online travel and tourism services, namely, providing online travel and tour ticket reservation services, online travel agency services, online tourist agency services and providing online information relating to travel and travel destinations.

Making hotel reservations for others; holiday accommodation reservation services and resort reservation services, namely, providing hotel room reservation services and resort hotel reservation services and providing online hotel and resort hotel room reservation services; providing information about hotels, holiday accommodations and resorts accommodations, whether or not based on the valuation of customers; providing information, advice and consultancy relating making hotel reservations and temporary accommodation reservations; providing online information, advice and consultancy relating making hotel reservations and temporary accommodation reservations

The genus of Applicant's services are "travel agency services." Applicant's services include a suite of travel agency, consultation and information services that are provided in person and online. These services include: arranging tours; soliciting consumer feedback about accommodation providers, aggregating that feedback and providing information about accommodations based on that feedback; providing travel information generally; providing information about travel destinations; providing consulting services to accommodations providers; and consultation services related to travel agency services.

While an aspect of applicant's travel agency services relate to making reservations for transportation, travel, tours, and accommodations, this is only one aspect of Applicant's services – and it is clearly not the genus of the services covered by this application. It is not accurate or appropriate to pigeonhole Applicant's services into the narrow classification of "booking" services. Applicant respectfully disagrees with the Examining Attorney's classification of its services as "booking" services and submits that the conclusion is unfounded based on the plain language of the identification of services

covered by the application. The Examining Attorney has made no effort to explain or justify this redefinition of Applicant's services. For these reasons, Applicant requests that the refusal based on the misplaced conclusion that Applicant's services are "booking" services, and that BOOKING.COM is a generic term for these services, be withdrawn.

Moreover, the Examining Attorney has not explained (and Applicant does not know) what is meant or encompassed by "booking services." Because of the ambiguity of the word booking, this could be a service of engaging theatrical performers or performances; it could be a service of demonstrating charges against criminal defendants; it could have something to do with travel reservations, but it also could be a service to buyers or sellers of stock option or futures the ability at a future date to determine the cash price of a forward sales agreement. It could have something to do with being bookish. It could be some combination of these services, but it surely is not a term of art or accepted usage. It appears to be a term the Examining Attorney has created from whole cloth for no other purpose than to provide part of the analytical basis for denying registration of Applicant's mark. There is no evidence whatsoever it is recognized by anyone, anywhere as a classifications of services or goods.

Booking.com is now one of the most trusted and popular travel sites for United States consumers, if not *the* most trusted and popular travel sites in the United States. Refusing to protect Applicant's mark encourages third parties to trade on that reputation and will lead to consumer confusion. "The trademark laws exist not to 'protect' trademarks, but . . . to protect the consuming public from confusion, concomitantly protecting the trademark owner's right to a non-confused public." *James Burroughs, Ltd. v. Sign of the Beefeater, Inc.*, 540 F.2d 266, 276, 192 U.S.P.Q. 555, 563 (7th Cir. 1976) (Markey, J. sitting by designation). For example, the concern with preventing confusion lay at the heart of the Board's signal decision in *In re Diamond Walnut Growers, Inc.*, 204 U.S.P.Q. 507 (T.T.A.B. 1979), determining that a jointly owned mark should be registered so as to protect applicants' - and consumers' - shared interests in preventing confusion and deception of trusting purchasers. Protection of consumers as well as Applicant's enormous investment in its uniquely respected mark thus counsels in favor of passing the mark BOOKING.COM & Design to registration.

Judge Posner noted in *Ty, Inc. v Softbelly's Inc.*, 353 F.3d 528 (7th Cir. 2003), that "To determine that a trademark is generic and thus pitch it into the public domain is a fateful step." *Id.* at 531. For the Examining Attorney to conclude that the *United States consumer-ranked most trusted travel website* is

not permitted to protect the millions of dollars it has invested in its name is a step that should not be lightly taken. We submit that the Examining Attorney has not met her burden to prove by clear evidence that the trademark BOOKING.COM is generic.

B. Examining Attorney has Not Met Burden of Proving By “Clear Evidence” that the mark BOOKING.COM is generic.

The Examining Attorney has the burden of proving a term is generic by clear and convincing evidence. *In re Merrill, Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1576, 1571 (Fed. Cir. 1987). The Examining Attorney must prove (1) that the term applied for is the genus of the goods/services covered by the application, and (2) that the term sought to be registered is understood by the relevant public *primarily* to refer to that genus of goods/services. The Examining Attorney has not met her burden on either of these points.

The evidence cited in the Office Action consists of:

- (1) printouts from websites using the term “booking” to refer to reservations (the majority of which are modified by terms such as “hotel” or “travel” to clarify the meaning of the inherently ambiguous term “booking”),
- (2) A dictionary definition of “booking” from *Yahoo! Education* in which the *primary* definition listed for “booking” is “to list or register in or as if in a book.” The definition of “booking” as meaning “reservation” is the third definition provided which is *prima facie* evidence that the Examining Attorney’s meaning does not represent the *primary significance* of “Booking” to the American public;
- (3) A dictionary definition from *Collins English Dictionary* identifying “Booking” as meaning “a reservation as of a table or room in a hotel, seat in a theatre, or seat on a train, aircraft, etc.” This definition represents the British significance of “Booking” and is irrelevant to the primary significance of the term to the American public. Had the Examining Attorney consulted the *Collins American Dictionary*, he would have seen that the primary significance of “Booking” for the relevant American consumers is “[a]n engagement, as for a lecture or concert.” See previously attached **Exhibit A**;
- (4) A dictionary definition of “booking” from *MacMillan Dictionary*;
- (5) A dictionary definition from *Merriam-Webster Online* dictionary in which the *primary* meaning is “an arrangement for a person or group (such as a singer or band) to perform at a particular place”; again, not the services sought by Applicant;
- (6) A dictionary definition from *Dictionary.com* in which the *primary* meaning is “a contract, engagement or scheduled performance of a professional entertainer.”
- (7) A dictionary definition from *Cambridge Dictionaries Online* for the British meaning of “Booking” which, again, is irrelevant to the question of how American consumers will perceive the mark;
- (8) An entry from POETS Web, <http://poets.notredame.ac.jp...> (it is unclear from the record what this

website is or why it can be relied on as evidence of the American public's perception of the mark BOOKING.COM given that the URL includes the country code for Japan). In any event, the primary definition listed on this website is, again, as an "engagement... (employment for performers or performing groups that lasts for a limited period of time)."

(9) Dictionary definitions for ".com."

(10) Printouts from Applicant's website, which clearly show the difference between the use of the trademark BOOKING.COM and any descriptive use of "booking" alone.

(11) Registrations for various marks which contain "booking services" in the identification of services – again with the inherently ambiguous term "booking" clarified by additional wording such as hotel-booking services or travel-booking services. If "booking" were indeed a genus of services, then "booking services" would be an acceptable identification of services for trademark registrations; but it is not.

Conspicuously absent is any dictionary definition of BOOKING.COM (or even "booking"). [1] Nor is there any evidence that the relevant public primarily understands the mark "BOOKING.COM" to refer to any genus of goods or services. It is scarcely imaginable that a consumer, wishing to speak to his or her human travel agent, might say "I am going to call my BOOKING.COM" or "I am going to drive over to the BOOKING.COM to pick up my tickets." Likewise, there is no evidence that consumers in the online world refer to any of the many competing travel sites such as Travelocity, Expedia, Orbitz, or any others, as "Booking.coms" or even "Bookings." Similarly, there is no evidence that travel agents in the bricks and mortar world or the online world call themselves "Booking.coms" or even "Bookings."

Also conspicuously absent is any evidence of a competitive need for third parties to use Applicant's mark BOOKING.COM. The major reasons for not protecting generic terms as marks are: (1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products. 15 U.S.C. §1052. Here, the record is devoid of any evidence that Applicant's competitors need to use BOOKING.COM to adequately describe their own services.

Not one of the uses cited by the Examining Attorney shows use of the actual composite term that is the

actual trademark, BOOKING.COM. The United States Supreme Court has held, and it has always been an the unquestioned first principle of trademark law, that “The commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail. For this reason it should be considered in its entirety...” *Estate of P.D. Beckwith, Inc. v. Comm’r of Patents*, 252 U.S. 538, 545-46 (1920); *In re Hutchinson Technology*, 852 F.2d 552 (Fed. Cir. 1988) (Board erroneously failed to consider the term HUTCHINSON TECHNOLOGY as a whole). The Examining Attorney has at no point sought to reconcile her views with this first principle of trademark law. Indeed, because the trademark also serves as a URL, it must by definition point to only one unique address on the internet. As a matter of law, it could not function even as a URL (much less as a trademark) if others could use the term to refer to an entire genus of services. Although Applicant recognizes that the PTO has long held that the TLD “.com” itself has no source indicating function, Applicant is not seeking rights in that designation. Rather, it is seeking to register the composite term BOOKING.COM. Although the element .com may, in and of itself, have no source indicating function, that is not the same as saying it has no meaning whatsoever. It plainly does have meaning, and where the element is used as part of a composite term it plainly does add meaning to the composite term – in some instances thoroughly transforming the source-indicating function of a word. For instance, “Amazon” is a river (or to classics scholars a tribe of wild women). However, the composite term “Amazon.com” is immediately recognizable as one of the leading on-line merchants. So too, the word “staples” means either basic necessities or small metal fasteners, but Staples.com uniquely refers to an office supply store. The pretense that the four characters “.com” in BOOKING.COM can simply be ignored does violence to the English language and to simple common sense.

Bearing in mind that the analysis of genericness is a question of fact, the format of trademarks as domain names virtually assures that the term cannot become generic because, by definition, only one entity can use that name. Indeed, the very fact that the top-level domain .com signifies to the public that the user of the domain name is a commercial entity (thus depriving that designation “.com” alone of source identifying significance) makes it virtually impossible, conceptually, for that single commercial entity to designate an entire genus of goods or services. Thus, by example, the descriptive term “dictionary” is likely generic, but adding to it the TLD designation “.com” immediately signifies to the public that the user of the domain name is a commercial entity. Not surprisingly, the PTO has registered DICTIONARY.COM and dozens of other similar names (several of which are noted below).

The very premise of the holding in *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004), is that the term .com does have a descriptive meaning. The Examining Attorney disregards the actual basis of the decision and strips all meaning from the term, such that it is no longer even part of the mark. Consistent with *Oppedahl & Larson*, Applicant is prepared to disclaim “.COM” as part of the mark as a whole.

Likewise, the Examining Attorney has not addressed the fact that combinations of even generic elements can be highly distinctive. One of the most famous and valuable trademarks in the world is COCA-COLA, yet it is simply the combination of the generic name for a plant and the generic name for a nut (or a soft drink made from that nut).^[2] So too, the Board has recognized that even a punctuation mark can materially alter the meaning of a term. See *Guitar Straps Online, LLC*, 103 U.S.P.Q.2d 1745 (T.T.A.B. 2012) (finding that the addition of a question mark to the mark GOT STRAPS changed the commercial impression of the mark as a whole). Even if the word “booking” alone were assumed (for argument’s sake) to be entirely descriptive and “.com” were deemed not to add one iota to the distinctiveness or trademark significance of the term, the question posed in genericness cases is quite different, or as stated in *Marvin Ginn*, the question is "What do the buyers understand by the word for whose use the parties are contending." The *specific* word claimed as a mark must be assessed. *Timelines Inc., supra* (generic use of the word “timeline” did not render generic actual trademark TIMELINES). The actual term Applicant is seeking to register is BOOKING.COM not “Booking,” and if buyers do not understand the difference between the noun “booking” or the verb “to book” and the internet site and trademark BOOKING.COM, Applicant could not likely remain in business, let alone be the top-rated travel site.

None of the third-party uses of “booking” cited by the Examining Attorney describe Applicant’s travel agency services related to arranging tours, soliciting consumer feedback and providing information based on that feedback about accommodations, providing travel information generally, providing information about travel destinations, providing consulting services to accommodations providers, or consultation services related to travel agency services. Accordingly, these printouts do not establish that BOOKING.COM is a generic term for Applicant’s services.

The Examining Attorney has failed to meet the burden of proving by clear and convincing evidence that BOOKING.COM is generic, and the disclaimer requirement should be withdrawn.

C. The Authorities Relied Upon by the Examining Attorney are Distinguishable.

The Examining Attorney cites to a string of “.com” cases to support the conclusion that BOOKING.COM is generic. These cases are factually distinguishable and do not support the conclusion that a disclaimer of “BOOKING.COM” is required.

In the cases *In re 1800Mattress.com IP LLC*, 586 F.3d 1359, 92 USPQ2d 1682 (Fed. Cir. 2009) (MATTRESS.COM generic for “online retail store services in the field of mattresses, beds, and bedding), *In re Hotels.com, L.P.*, 573 F.3d 1300, 91 USPQ2d 1532 (Fed. Cir. 2009) (HOTELS.COM generic for “providing information for others about temporary lodging; [and] travel agency services, namely, making reservations and bookings for temporary lodging for others by means of telephone and the global computer network”), *In re Reed Elsevier Properties Inc.*, 482 F.3d 1376, 82 USPQ2d 1378 (Fed. Cir. 2007) (LAWYERS.COM generic for “providing an online interactive database featuring information exchange in the fields of law, legal news and legal services”), *In re Eddie Z’s Blinds & Drapery, Inc.*, 74 USPQ2d 1037 (TTAB 2005) (BLINDSANDDRAPERY.COM generic for retail store services featuring blinds, draperies and other wall coverings, sold via the Internet), and *In re Martin Container, Inc.*, 65 USPQ2d 1058, 1061 (TTAB 2002) (CONTAINER.COM generic), there are literally no other meanings for the terms sought to be registered with “.com” other than the subject matter of the services offered through the websites. Each of the terms MATTRESS, HOTELS, LAWYERS, BLINDS AND DRAPERY and CONTAINER has only one, immediately identifiable and understandable meaning.

In sharp contrast to the facts in all of the cases cited by the Examining Attorney, the term “BOOKING” is ambiguous because it can refer to many different things, including entertainment bookings, theatrical bookings and criminal bookings, securities contracts as well as a slang usage for being bookish. The first *and primary* definition for the term “booking” is “[a]n engagement, as for a performance by an entertainer.” Exhibit A, *supra*. Therefore, based on the evidence of record assembled by the Examining Attorney, BOOKING.COM cannot be “understood by the relevant public *primarily* to refer to that genus of goods or services.” The mark BOOKING.COM, unlike the cited examples, simply does not convey a readily identifiable common name for a type or genus of goods or services.

The other cases cited by the Examining Attorney in fact held that the marks were *descriptive*, not generic, of the services at issue. See *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370

(Fed. Cir. 2004) (PATENTS.COM merely descriptive); *In re Microsoft Corp.*, 68 USPQ2d 1195, 1203 (TTAB 2003) (OFFICE.NET merely descriptive). These cases support Applicant's contention that BOOKING.COM is likewise capable of functioning as a source identifier.

In fact, the most relevant ".com" case is *In re Steelbuilding.com*, 415 F.3d 1293 (Fed. Cir 2005), where the court reversed the TTAB's holding that STEELBUILDING.COM was generic. The Federal Circuit held that the Board construed the genus of the applicant's services too narrowly and wrongly dismissed the addition of the top level domain ".com" despite its expansion of the meaning of STEELBUILDING.COM. The Federal Circuit held that the fact that services other than "steel buildings" were offered was an important distinction. Further, the addition of ".com" expanded the mark to include Internet services such as building and designing steel structures on the website and then calculating the appropriate price.

This same logic applies to Applicant's mark BOOKING.COM. The apt genus of service is "travel agency services," not merely reservation services. Applicant's services are offered both in person and online. Thus, the addition of ".com" expands the mark to make a mental connection in the minds of consumers between Applicant's brick and mortar services and its online services. It also expands the mark to include Internet services such as reviews of lodgings and other travel related items. Like STEELBUILDING.COM, when taken as a whole BOOKING.COM conveys much more than mere "reservation" services.

4. Similarly Constituted Marks Have Been Found Registrable

The USPTO routinely grants registration of marks that combine a descriptive word with "com." A representative sample of such marks is listed below and printouts of the marks are enclosed as **Exhibit C**. Applicant's mark is at least as distinctive as these marks which have been granted registration.

- Reg. No. 4473679 - WWW.HEDGEFUNDRESEARCH.COM
- Reg. No. 4102997 - LOCAL.COM
- Reg. No. 4473656 - CHEAPROOMS.COM
- Reg. No. 4473546 - MONEYLAUNDERING.COM
- Reg. No. 4460827 - WORKOUT.COM

- Reg. No. 4337199 - PARTYDIGEST.COM
- Reg. No. 4449876 - UNIVERSITYJOBS.COM
- Reg. No. 4447376 - REPLACEYOURCELL.COM
- Reg. No. 4446472 - BUYLIGHTFIXTURES.COM
- Reg. No. 4212218 - ORANGECOUNTY.COM
- Reg. No. 4294532 - ENTERTAINMENT.COM
- Reg. No. 4374363 - DEALER.COM
- Reg. No. 4367264 - SKI.COM
- Reg. No. 4319981 - DIAPERS.COM

Likewise, Applicant previously cited to the Examining Attorney the following registered trademarks:

- Reg. No. 3,566,509 - ANCESTRY.COM
- Reg. No. 3,862,166 - ANSWERS.COM
- Reg. No. 4,184,950 - DICTIONARY.COM
- Reg. No. 3,556,668. 3,072,366 (and others) - REGISTER.COM.
- Reg. No. 3,860,755 - TUTOR.com
- Reg. No. 3,927,183 - WEATHER.COM
- Reg. No. 2,349,285 (and others) - WEBMD
- Reg. No. 2665841 - CHEAPTICKETS.COM
- Reg. No. 2397238 - STAPLES.COM
- Reg. No. 2638360 - BESTBUY.COM

Applicant would be grateful to know by what principle the Examining Attorney believes that users of these services can be protected against confusion, but that the many loyal users of BOOKING.COM can no longer enjoy the certainty that services offered under the established trademark BOOKING.COM in fact come from the same source they have known and come to trust for almost twenty years, or the principle under which these trademark owners are allowed to protect the goodwill they have developed in their purely descriptive names, but pursuant to which the Examining Attorney wishes to take the “fateful step” of decreeing that BOOKING.COM should simply abandon the millions of dollars and two decades of work it has invested in building one of the most trusted travel sites available. *See, e.g.,*

Ty, Inc. v Softbelly's Inc., supra.

For the foregoing reasons, Applicant submits that BOOKING.COM is not generic.

5. Applicant Has Proven Acquired Distinctiveness

In determining whether the applied-for mark has acquired distinctiveness, the following factors are generally considered: (1) length and exclusivity of use of the mark in the United States by Applicant; (2) the type, expense and amount of advertising of the mark in the United States; and (3) Applicant's efforts in the United States to associate the mark with the source of the goods, such as in unsolicited media coverage and consumer studies. *See In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 USPQ2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider all of these factors, and no single factor is determinative. *Id.*; 37 C.F.R. §2.41.

a. Length and Exclusivity of Use of the Mark

Applicant has been using BOOKING.COM since at least as early as 2006, a period of approximately eight years. **Exhibit D**, Declaration of Acquired Distinctiveness signed by Olivier Bissierier, Chief Financial Officer. Prior to adopting the mark BOOKING.COM, Applicant used the similar mark BOOKINGS. Applicant also owns a Supplemental Registration for BOOKINGS.COM.

The scope of Applicant's business under the BOOKING.COM mark is astounding. In connection with its mark BOOKING.COM, Applicant offers customers the ability to make reservations at over 446,000 hotels and accommodations-providers in over 200 countries. Ex. D ¶3. Over 625,000 room nights are reserved through Applicant's BOOKING.COM service every day. *Id.* ¶7. Applicant offers its BOOKING.COM service in more than 40 languages. *Id.* ¶8.

The total transaction value of mobile accommodation reservations made through the BOOKING.COM website more than doubled from over \$3 billion in 2012 to over \$8 billion in 2013. *Id.* ¶4.

b. Type, Expense, and Nature of Advertising

Millions of American customers are exposed to and use Applicant's BOOKING.COM branded services.

Applicant has reached millions of American television viewers through BOOKING.COM television

commercials aired on the following national channels: ABC, CBS, NBC Sports, Fox Soccer, MSNBC, TBS, TNT, A&E, History, USA, Comedy Central, Bravo, HGTV, FX, IFC, Travel, Style, E!, TNT, AMC, ESPN, BBC, DIY, Fox Soccer, NBA TV, Science Channel, TLC, Nat Geo, SYFY, Spike, and TruTV, among others. *Id.* ¶10.

In the first quarter of 2013, Applicant reached over 20 million (20,000,000) American consumers through BOOKING.COM commercials broadcast in movie theaters prior to feature films. *Id.* ¶12. In the first quarter of 2013, Applicant reached over 19 million (19,000,000) American consumers through BOOKING.COM Internet commercials streamed on websites such as Hulu.com, Tremor.com, and YouTube.com. *Id.* ¶13.

Applicant's BOOKING.COM branded website receives over thirty million (30,000,000) unique visitors each month. *Id.* ¶5. Over the past six months, Applicant's BOOKING.COM branded website has received an average of 10.3 million unique visitors from the United States per month. *Id.* ¶6.

There are over 2.2 million United States-based subscribers to newsletters branded under the BOOKING.COM mark. These newsletters advertise Applicant's BOOKING.COM services and are sent out an average of 2-3 times per month. *Id.* ¶9.

Applicant's extensive advertising provides wide and significant exposure to Applicant's mark.

c. Unsolicited Media Coverage and Consumer Commentary

On the social media website, Facebook.com, over 1.8 million people have "liked" BOOKING.COM and nearly 58,000 consumers are "talking about" BOOKING.COM. *Id.* ¶14. On the micro-blogging site Twitter, over 42,000 people are "following" BOOKING.COM. *Id.* ¶15. Customers frequently use @bookingcom to engage Applicant in dialogue through Twitter. *Id.* This demonstrates that consumers recognize and use "BOOKING.COM" to refer to Applicant and to access Applicant's services.

A search for Applicant's mark BOOKING.COM on the Google News service generated over 2,000 unsolicited news articles. *Id.* ¶16. The sheer volume of unsolicited news articles discussing Applicant's BOOKING.COM service demonstrates an enormous public recognition of Applicant's mark as a source identifier.

Applicant's BOOKING.COM service has received numerous industry awards, including, for example:

- J.D. Power and Associates, a premier research and analytics firm, ranked BOOKING.COM First in Consumer Satisfaction among independent travel websites

based on a consumer survey (awarded in 2013);

- Hospitality Sales & Marketing Association International, the hospitality industry's leading advocate for intelligent, sustainable hotel revenue growth, awarded Booking.com a "Gold" level Adrian Award for its 2013 BOOKING.YEAH advertising campaign (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the "Best Tablet App" (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the Best Mobile Site. (awarded in 2014).

These awards demonstrate significant recognition of BOOKING.COM as an indicator of source both from end consumers and from Applicant's peers in the travel industry.

The wording in Applicant's mark, BOOKING.COM, has acquired distinctiveness through its long use in the United States, its significant advertising campaign educating customers to identify the mark as an indicator of source, and significant consumer exposure to the mark. The success of Applicant's efforts to acquire secondary meaning are evident from the vast unsolicited media coverage of Applicant and its mark and the numerous consumer and industry awards Applicant has received.

CONCLUSION

The wording in Applicant's mark is inherently distinctive or, in the alternative, has acquired distinctiveness through use and does not need to be disclaimed. Accordingly, Applicant requests that the disclaimer requirement be withdrawn and that its application be passed to publication.

[1] According to the evidence provided by the Examining Attorney, the primary descriptive meaning of "booking" is for theater bookings, not travel. See **Dictionary.com** noun 1. a contract, engagement, or scheduled performance of a professional entertainer. 2. reservation 3. the act of a person who books. <http://dictionary.reference.com/browse/booking?s=t>; See also **MerriamWebster.com**. 1 an arrangement for a person or group (such as a singer or band) to perform at a particular place; 2. an arrangement to have something (such as a room) held for your use at a later time; 3. soccer : the act of officially recording the name of a player who has broken the rules in a game. <http://www.merriam-webster.com/dictionary/booking>; **Collins American Dictionary** (previously attached), noun: an engagement, as for a lecture or concert. <http://www.collinsdictionary.com/dictionary/american/booking?showCookiePolicy=true>; **The Online Slang Dictionary**, adjective, "cool. From predictive software used in cell phone text messaging. "Book" and "cool" share the same key sequence"; verb, "to leave quickly." <http://onlineslangdictionary.com/meaning-definition-of/booking>; **Urban Dictionary**, verb, "running really fast" <http://www.urbandictionary.com/define.php?term=booking>. In the securities industry, it is an arrangement between a buyer and sellers of stock option or futures giving either party the ability at a future date to determine the cash price of a forward sales agreement <http://www.investopedia.com/terms/b/bookingthebasis.asp>Copies of the dictionary definitions are attached as **Exhibit B**. Hence, by law, the primary meaning even of "booking" alone (which is not Applicant's trademark) is not for travel services.

[2] For several years, Coca-Cola was deemed the world's most valuable trademark. It is now ranked number 3, behind Apple (which is also generic name for a fruit) and Google. <http://www.interbrand.com/en/best-global-brands/2013/Best-Global-Brands-2013.aspx>.

EVIDENCE SECTION

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DESCRIPTION OF EVIDENCE FILE	Exhibits A-D

SIGNATURE SECTION	
RESPONSE SIGNATURE	/katherine p califa/
SIGNATORY'S NAME	Katherine P. Califa
SIGNATORY'S POSITION	Attorney of record, DC bar member
SIGNATORY'S PHONE NUMBER	202-672-5319
DATE SIGNED	05/19/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 19 12:24:13 EDT 2014
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Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79114998** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

RESPONSE TO FINAL OFFICE ACTION

In a Final Office Action dated November 18, 2013, the U.S. Patent and Trademark Office maintained and made final the refusal to register the mark BOOKING.COM on the basis that the mark is

alleged to be generic. Applicant submits that BOOKING.COM is not generic and, to the extent the mark is considered descriptive, the evidence of acquired distinctiveness submitted by Applicant proves that the mark has acquired secondary meaning and is entitled to registration on the Principal Register under Section 2(f).

I. BOOKING.COM is inherently distinctive

A mark is “merely descriptive” of the goods and services if it would *immediately convey* to one seeing or hearing it the thought of the product. *In re American Soc’y of Clinical Pathologists, Inc.*, 169 U.S.P.Q. 800, 801 (C.C.P.A. 1971). Conversely, “if the mental leap between the word and the product’s attributes is not almost *instantaneous*, this strongly indicates suggestiveness, not direct descriptiveness.” J. Thomas McCarthy, 2 McCarthy on Trademarks § 11:67 (4th ed. 1999, Rev. 3/2008) (emphasis supplied); *In re Tennis in the Round, Inc.*, 199 U.S.P.Q. 496, 497 (T.T.A.B. 1978) (TENNIS IN THE ROUND found not to be descriptive of tennis facilities); *Hasbro, Inc. v. Lanard Toys, Ltd.*, 858 F.2d 70 (2d Cir. 1988) (GUNG-HO found to be suggestive rather than descriptive of a cartoon-based toy action doll); *Tanel Corp. v. Reebok Int’l, Ltd.*, 774 F. Supp 49 (D. Mass. 1990) (360° not descriptive of sports shoes). Applicant submits that the term BOOKING (and certainly the actual mark for which registration is sought, BOOKING.COM) lacks significance with the relevant purchasing public other than as a trademark designating one of the most highly trusted (if not *the* most highly trusted) on-line travel agencies in the United States. Stated differently, and even assuming it is fair to dissect the mark into constituent elements, any meaning of the term BOOKING that would be relevant to the average purchasers in the United States, with respect to the services identified in the application, would not be *forthwith* understood *immediately* with any *particularity* —the relevant standard. *See In re Stereotaxis, Inc.*, 429 F.3d 1039 (Fed. Cir. 2005) (emphasis added); TMEP § 1209.01(b); *In re Major League Baseball Properties, Inc.*, Serial Nos. 78/183,355 and 78/183,381 (T.T.A.B. March 2, 2005) (non-precedential).

Instead, BOOKING.COM is inherently ambiguous as “booking” can refer to many different things, including entertainment bookings, theatrical bookings and criminal bookings, as well as a slang usage for being bookish. The primary (and only) definition for “BOOKING” in the Collins American Dictionary is “[a]n engagement, as for a lecture or concert.” **Exhibit A.** Consumers could reasonably perceive BOOKING.COM as suggesting a website relating to entertainment performances, not a website related to

travel agency services. Therefore, the mark BOOKING.COM does not *immediately* convey to consumers the thought of hotel reservations services or Applicant's various travel agency services, strongly suggesting that the mark is suggestive rather than merely descriptive.

Further, in all of the website evidence attached to the Office Action, the term "BOOKING" is modified or clarified with other wording, such as hotel-booking website, reservation-booking website, or travel-booking website. This further suggests that the term "BOOKING" on its own is vague and ambiguous and does not convey any information regarding Applicant's services with any degree of particularity, hence requiring the clarifying language. *See In re Entenmann's, Inc.*, 15 U.S.P.Q.2d 1750 (TTAB 1990) (a descriptive mark must describe the goods or services with "some particularity"). For these reasons, Applicant submits that the wording in the mark is suggestive of the underlying services, not merely descriptive.

Applicant respectfully submits that the Examining Attorney has not established a *prima facie* case that the mark BOOKING.COM is merely descriptive of Applicant's services and therefore requests that the refusal be withdrawn. In any event, where doubt exists as to whether a mark is descriptive, such doubt should be resolved in favor of the applicant. *In re International Taste, Inc.*, 53 USPQ2d 1604 (TTAB 2000). Accordingly, even if there is doubt as to the inherent distinctiveness of the mark BOOKING.COM, this doubt should be resolved in Applicant's favor and the descriptiveness refusal should be withdrawn.

II. BOOKING.COM is Not Generic

The question of whether a claimed mark is generic is a question of fact. *In re Reed Elsevier Props., Inc.*, 482 F.3d 1376, 1378, 82 U.S.P.Q.2d 1378 (Fed Cir. 2007). The burden to establish the fact of genericness rests squarely on the Examining Attorney. *In re Merrill, Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1576, 1571 (Fed. Cir. 1987). The Examining Attorney must satisfy that burden by clear evidence. *Trademark Manual of Examining Procedure* 1209.01(c)(i) (8th Ed., revised April 2013) ("The Examining Attorney has the burden of proving that a term is generic by clear evidence.").

The Supreme Court has explained that to demonstrate whether a claimed mark is generic, the relevant inquiry is whether the "*primary* significance of the term in the minds of the consuming public is not the product but the producer." *Kellogg Co. v. National Biscuit Co.*, 305 U.S. 111, 118 (1938) (emphasis added). "A generic term is one that does not distinguish the goods of one producer from the goods of

others. Instead, it is one that either by definition or through common use ‘has come to be understood as referring to the genus of which the particular product is a species.’” *Keebler Co. v. Rovira Biscuit Corp.*, 624 F.2d 366, 373-74 (1st Cir. 1980) (quoting *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 9 (2d Cir. 1976)). As Professor McCarthy alternately has put it, “A mark answers the buyer’s question ‘Who are you? Where do you come from? Who vouches for you? But the [generic] name of the product answers the question ‘What are you?’” J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 12:01 (4th ed. 2009).

The Federal Circuit has explained that “[t]he critical issue in determining genericness is whether members of the relevant public primarily use or understand the designation sought to be registered or that is already registered to refer to the genus or category of goods in question.” Resolution of the issue “involves a two-step inquiry: First, what is the genus of goods or services at issue? Second, is the term sought to be registered . . . understood by the relevant public primarily to refer to that genus of goods or services.” *H. Marvin Ginn Corp. v. Int’l Ass’n of Fire Chiefs, Inc.*, 782 F.2d 987, 990, 228 U.S.P.Q. 528, 530 (Fed. Cir. 1986).

More specifically, the Examining Attorney must show that the “primary significance” of BOOKING.COM “to the relevant consuming public” is to designate the services identified in the application, namely:

Arranging of tours and arranging of tours online; reservation and sale of travel tickets and online reservation and sale of travel tickets; information, advice and consultancy regarding the arranging of tours and the reservation and sale of travel tickets; provision of information relating to travel and travel destinations; travel and tour agency services, namely, travel and tour ticket reservation services; travel agency services; tourist agency services; providing online travel and tourism services, namely, providing online travel and tour ticket reservation services, online travel agency services, online tourist agency services and providing online information relating to travel and travel destinations.

Making hotel reservations for others; holiday accommodation reservation services and resort reservation services, namely, providing hotel room reservation services and resort hotel reservation services and providing online hotel and resort hotel room reservation services; providing information about hotels, holiday accommodations and resorts accommodations, whether or not based on the valuation of customers; providing information, advice and consultancy relating making hotel reservations and temporary accommodation reservations; providing online information, advice and consultancy relating making hotel reservations and temporary accommodation reservations

See, e.g., Magic Wand, Inc. v. RDB, Inc., 940 F.2d 638, 641-42, 19 U.S.P.Q.2d 1551, 1554 (Fed. Cir. 1991).

The basis for the Examining Attorney's position that the mark BOOKING.COM is generic for Applicant's services is articulated as follows: "In the present case, the identification, and thus the genus, is booking services including online booking services." (Office Action dated November 18, 2013).

There are a number of flaws in this conclusory and circular statement of fact and law. First, Applicant disagrees with the Examining Attorney's conclusion that its services are properly classified as "booking services," and the Examining Attorney has not even explained what this class of services is. Second, the Examining Attorney has not met her burden to prove that the mark BOOKING.COM is generic by clear and convincing evidence. Third, the authorities cited by the Examining Attorney are distinguishable and do not support the conclusion that BOOKING.COM is generic. Finally, Applicant has submitted compelling evidence that BOOKING.COM has acquired distinctiveness in the marketplace and the mark is eligible for registration on that basis.

A. Applicant's Services are Not Properly Classified as "Booking Services"

Applicant has applied to register BOOKING.COM for:

Arranging of tours and arranging of tours online; reservation and sale of travel tickets and online reservation and sale of travel tickets; information, advice and consultancy regarding the arranging of tours and the reservation and sale of travel tickets; provision of information relating to travel and travel destinations; travel and tour agency services, namely, travel and tour ticket reservation services; travel agency services; tourist agency services; providing online travel and tourism services, namely, providing online travel and tour ticket reservation services, online travel agency services, online tourist agency services and providing online information relating to travel and travel destinations.

Making hotel reservations for others; holiday accommodation reservation services and resort reservation services, namely, providing hotel room reservation services and resort hotel reservation services and providing online hotel and resort hotel room reservation services; providing information about hotels, holiday accommodations and resorts accommodations, whether or not based on the valuation of customers; providing information, advice and consultancy relating making hotel reservations and temporary accommodation reservations; providing online information, advice and consultancy relating making hotel reservations and temporary accommodation reservations

The genus of Applicant's services are "travel agency services." Applicant's services include a

suite of travel agency, consultation and information services that are provided in person and online. These services include: arranging tours; soliciting consumer feedback about accommodation providers, aggregating that feedback and providing information about accommodations based on that feedback; providing travel information generally; providing information about travel destinations; providing consulting services to accommodations providers; and consultation services related to travel agency services.

While an aspect of applicant's travel agency services relate to making reservations for transportation, travel, tours, and accommodations, this is only one aspect of Applicant's services – and it is clearly not the genus of the services covered by this application. It is not accurate or appropriate to pigeonhole Applicant's services into the narrow classification of "booking" services. Applicant respectfully disagrees with the Examining Attorney's classification of its services as "booking" services and submits that the conclusion is unfounded based on the plain language of the identification of services covered by the application. The Examining Attorney has made no effort to explain or justify this redefinition of Applicant's services. For these reasons, Applicant requests that the refusal based on the misplaced conclusion that Applicant's services are "booking" services, and that BOOKING.COM is a generic term for these services, be withdrawn.

Moreover, the Examining Attorney has not explained (and Applicant does not know) what is meant or encompassed by "booking services." Because of the ambiguity of the word booking, this could be a service of engaging theatrical performers or performances; it could be a service of demonstrating charges against criminal defendants; it could have something to do with travel reservations, but it also could be a service to buyers or sellers of stock option or futures the ability at a future date to determine the cash price of a forward sales agreement. It could have something to do with being bookish. It could be some combination of these services, but it surely is not a term of art or accepted usage. It appears to be a term the Examining Attorney has created from whole cloth for no other purpose than to provide part of the analytical basis for denying registration of Applicant's mark. There is no evidence whatsoever it is recognized by anyone, anywhere as a classifications of services or goods.

Booking.com is now one of the most trusted and popular travel sites for United States consumers, if not *the* most trusted and popular travel sites in the United States. Refusing to protect Applicant's mark encourages third parties to trade on that reputation and will lead to consumer confusion. "The trademark

laws exist not to ‘protect’ trademarks, but . . . to protect the consuming public from confusion, concomitantly protecting the trademark owner’s right to a non-confused public.” *James Burroughs, Ltd. v. Sign of the Beefeater, Inc.*, 540 F.2d 266, 276, 192 U.S.P.Q. 555, 563 (7th Cir. 1976) (Markey, J. sitting by designation). For example, the concern with preventing confusion lay at the heart of the Board’s signal decision in *In re Diamond Walnut Growers, Inc.*, 204 U.S.P.Q. 507 (T.T.A.B. 1979), determining that a jointly owned mark should be registered so as to protect applicants’ - and consumers’ - shared interests in preventing confusion and deception of trusting purchasers. Protection of consumers as well as Applicant’s enormous investment in its uniquely respected mark thus counsels in favor of passing the mark BOOKING.COM & Design to registration.

Judge Posner noted in *Ty, Inc. v Softbelly’s Inc.*, 353 F.3d 528 (7th Cir. 2003), that “To determine that a trademark is generic and thus pitch it into the public domain is a fateful step.” *Id.* at 531. For the Examining Attorney to conclude that the *United States consumer-ranked most trusted travel website* is not permitted to protect the millions of dollars it has invested in its name is a step that should not be lightly taken. We submit that the Examining Attorney has not met her burden to prove by clear evidence that the trademark BOOKING.COM is generic.

B. Examining Attorney has Not Met Burden of Proving By “Clear Evidence” that the mark BOOKING.COM is generic.

The Examining Attorney has the burden of proving a term is generic by clear and convincing evidence. *In re Merrill, Lynch, Pierce, Fenner & Smith, Inc.*, 828 F.2d 1576, 1571 (Fed. Cir. 1987). The Examining Attorney must prove (1) that the term applied for is the genus of the goods/services covered by the application, and (2) that the term sought to be registered is understood by the relevant public *primarily* to refer to that genus of goods/services. The Examining Attorney has not met her burden on either of these points.

The evidence cited in the Office Action consists of:

- (1) printouts from websites using the term “booking” to refer to reservations (the majority of which are modified by terms such as “hotel” or “travel” to clarify the meaning of the inherently ambiguous term “booking”),
- (2) A dictionary definition of “booking” from *Yahoo! Education* in which the *primary* definition listed for “booking” is “to list or register in or as if in a book.” The definition of “booking” as meaning “reservation” is the third definition provided which is *prima facie* evidence that the Examining

Attorney's meaning does not represent the *primary significance* of "Booking" to the American public;

(3) A dictionary definition from *Collins English Dictionary* identifying "Booking" as meaning "a reservation as of a table or room in a hotel, seat in a theatre, or seat on a train, aircraft, etc." This definition represents the British significance of "Booking" and is irrelevant to the primary significance of the term to the American public. Had the Examining Attorney consulted the *Collins American Dictionary*, he would have seen that the primary significance of "Booking" for the relevant American consumers is "[a]n engagement, as for a lecture or concert." See previously attached **Exhibit A**;

(4) A dictionary definition of "booking" from *MacMillan Dictionary*;

(5) A dictionary definition from *Merriam-Webster Online* dictionary in which the *primary* meaning is "an arrangement for a person or group (such as a singer or band) to perform at a particular place"; again, not the services sought by Applicant;

(6) A dictionary definition from *Dictionary.com* in which the *primary* meaning is "a contract, engagement or scheduled performance of a professional entertainer."

(7) A dictionary definition from *Cambridge Dictionaries Online* for the British meaning of "Booking" which, again, is irrelevant to the question of how American consumers will perceive the mark;

(8) An entry from POETS Web, <http://poets.notredame.ac.jp...> (it is unclear from the record what this website is or why it can be relied on as evidence of the American public's perception of the mark BOOKING.COM given that the URL includes the country code for Japan). In any event, the primary definition listed on this website is, again, as an "engagement...(employment for performers or performing groups that lasts for a limited period of time)."

(9) Dictionary definitions for ".com."

(10) Printouts from Applicant's website, which clearly show the difference between the use of the trademark BOOKING.COM and any descriptive use of "booking" alone.

(11) Registrations for various marks which contain "booking services" in the identification of services – again with the inherently ambiguous term "booking" clarified by additional wording such as hotel-booking services or travel-booking services. If "booking" were indeed a genus of services, then "booking services" would be an acceptable identification of services for trademark registrations; but it is not.

Conspicuously absent is any dictionary definition of BOOKING.COM (or even "booking"). [1] Nor is there any evidence that the relevant public primarily understands the mark "BOOKING.COM" to refer to any genus of goods or services. It is scarcely imaginable that a consumer, wishing to speak to his or her human travel agent, might say "I am going to call my BOOKING.COM" or "I am going to drive over to the BOOKING.COM to pick up my tickets." Likewise, there is no evidence that consumers in the online

world refer to any of the many competing travel sites such as Travelocity, Expedia, Orbitz, or any others, as “Booking.coms” or even “Bookings.” Similarly, there is no evidence that travel agents in the bricks and mortar world or the online world call themselves “Booking.coms” or even “Bookings.”

Also conspicuously absent is any evidence of a competitive need for third parties to use Applicant’s mark BOOKING.COM. The major reasons for not protecting generic terms as marks are: (1) to prevent the owner of a mark from inhibiting competition in the sale of particular goods; and (2) to maintain freedom of the public to use the language involved, thus avoiding the possibility of harassing infringement suits by the registrant against others who use the mark when advertising or describing their own products. 15 U.S.C. §1052. Here, the record is devoid of any evidence that Applicant’s competitors need to use BOOKING.COM to adequately describe their own services.

Not one of the uses cited by the Examining Attorney shows use of the actual composite term that is the actual trademark, BOOKING.COM. The United States Supreme Court has held, and it has always been an the unquestioned first principle of trademark law, that “The commercial impression of a trade-mark is derived from it as a whole, not from its elements separated and considered in detail. For this reason it should be considered in its entirety...” *Estate of P.D. Beckwith, Inc. v. Comm’r of Patents*, 252 U.S. 538, 545-46 (1920); *In re Hutchinson Technology*, 852 F.2d 552 (Fed. Cir. 1988) (Board erroneously failed to consider the term HUTCHINSON TECHNOLOGY as a whole). The Examining Attorney has at no point sought to reconcile her views with this first principle of trademark law. Indeed, because the trademark also serves as a URL, it must by definition point to only one unique address on the internet. As a matter of law, it could not function even as a URL (much less as a trademark) if others could use the term to refer to an entire genus of services. Although Applicant recognizes that the PTO has long held that the TLD “.com” itself has no source indicating function, Applicant is not seeking rights in that designation. Rather, it is seeking to register the composite term BOOKING.COM. Although the element .com may, in and of itself, have no source indicating function, that is not the same as saying it has no meaning whatsoever. It plainly does have meaning, and where the element is used as part of a composite term it plainly does add meaning to the composite term – in some instances thoroughly transforming the source-indicating function of a word. For instance, “Amazon” is a river (or to classics scholars a tribe of wild women). However, the composite term “Amazon.com” is immediately recognizable as one of the leading on-line merchants. So too, the word “staples” means either basic necessities or small metal fasteners, but Staples.com uniquely refers to an office supply store. The pretense that the four characters “.com” in

BOOKING.COM can simply be ignored does violence to the English language and to simple common sense.

Bearing in mind that the analysis of genericness is a question of fact, the format of trademarks as domain names virtually assures that the term cannot become generic because, by definition, only one entity can use that name. Indeed, the very fact that the top-level domain .com signifies to the public that the user of the domain name is a commercial entity (thus depriving that designation “.com” alone of source identifying significance) makes it virtually impossible, conceptually, for that single commercial entity to designate an entire genus of goods or services. Thus, by example, the descriptive term “dictionary” is likely generic, but adding to it the TLD designation “.com” immediately signifies to the public that the user of the domain name is a commercial entity. Not surprisingly, the PTO has registered DICTIONARY.COM and dozens of other similar names (several of which are noted below). The very premise of the holding in *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004), is that the term .com does have a descriptive meaning. The Examining Attorney disregards the actual basis of the decision and strips all meaning from the term, such that it is no longer even part of the mark. Consistent with *Oppedahl & Larson*, Applicant is prepared to disclaim “.COM” as part of the mark as a whole.

Likewise, the Examining Attorney has not addressed the fact that combinations of even generic elements can be highly distinctive. One of the most famous and valuable trademarks in the world is COCA-COLA, yet it is simply the combination of the generic name for a plant and the generic name for a nut (or a soft drink made from that nut).^[2] So too, the Board has recognized that even a punctuation mark can materially alter the meaning of a term. See *Guitar Straps Online, LLC*, 103 U.S.P.Q.2d 1745 (T.T.A.B. 2012) (finding that the addition of a question mark to the mark GOT STRAPS changed the commercial impression of the mark as a whole). Even if the word “booking” alone were assumed (for argument’s sake) to be entirely descriptive and “.com” were deemed not to add one iota to the distinctiveness or trademark significance of the term, the question posed in genericness cases is quite different, or as stated in *Marvin Ginn*, the question is "What do the buyers understand by the word for whose use the parties are contending." The *specific* word claimed as a mark must be assessed. *Timelines Inc., supra* (generic use of the word “timeline” did not render generic actual trademark TIMELINES). The actual term Applicant is seeking to register is BOOKING.COM not “Booking,” and if buyers do not understand the difference

between the noun “booking” or the verb “to book” and the internet site and trademark BOOKING.COM, Applicant could not likely remain in business, let alone be the top-rated travel site.

None of the third-party uses of “booking” cited by the Examining Attorney describe Applicant’s travel agency services related to arranging tours, soliciting consumer feedback and providing information based on that feedback about accommodations, providing travel information generally, providing information about travel destinations, providing consulting services to accommodations providers, or consultation services related to travel agency services. Accordingly, these printouts do not establish that BOOKING.COM is a generic term for Applicant’s services.

The Examining Attorney has failed to meet the burden of proving by clear and convincing evidence that BOOKING.COM is generic, and the disclaimer requirement should be withdrawn.

C. The Authorities Relied Upon by the Examining Attorney are Distinguishable.

The Examining Attorney cites to a string of “.com” cases to support the conclusion that BOOKING.COM is generic. These cases are factually distinguishable and do not support the conclusion that a disclaimer of “BOOKING.COM” is required.

In the cases *In re 1800Mattress.com IP LLC*, 586 F.3d 1359, 92 USPQ2d 1682 (Fed. Cir. 2009) (MATTRESS.COM generic for “online retail store services in the field of mattresses, beds, and bedding), *In re Hotels.com, L.P.*, 573 F.3d 1300, 91 USPQ2d 1532 (Fed. Cir. 2009) (HOTELS.COM generic for “providing information for others about temporary lodging; [and] travel agency services, namely, making reservations and bookings for temporary lodging for others by means of telephone and the global computer network”), *In re Reed Elsevier Properties Inc.*, 482 F.3d 1376, 82 USPQ2d 1378 (Fed. Cir. 2007) (LAWYERS.COM generic for “providing an online interactive database featuring information exchange in the fields of law, legal news and legal services”), *In re Eddie Z’s Blinds & Drapery, Inc.*, 74 USPQ2d 1037 (TTAB 2005) (BLINDSANDDRAPERY.COM generic for retail store services featuring blinds, draperies and other wall coverings, sold via the Internet), and *In re Martin Container, Inc.*, 65 USPQ2d 1058, 1061 (TTAB 2002) (CONTAINER.COM generic), there are literally no other meanings for the terms sought to be registered with “.com” other than the subject matter of the services offered through the websites. Each of the terms MATTRESS, HOTELS, LAWYERS, BLINDS AND DRAPERY and CONTAINER has only one, immediately identifiable and understandable meaning.

In sharp contrast to the facts in all of the cases cited by the Examining Attorney, the term “BOOKING” is ambiguous because it can refer to many different things, including entertainment bookings, theatrical bookings and criminal bookings, securities contracts as well as a slang usage for being bookish. The first *and primary* definition for the term “booking” is “[a]n engagement, as for a performance by an entertainer.” Exhibit A, *supra*. Therefore, based on the evidence of record assembled by the Examining Attorney, BOOKING.COM cannot be “understood by the relevant public *primarily* to refer to that genus of goods or services.” The mark BOOKING.COM, unlike the cited examples, simply does not convey a readily identifiable common name for a type or genus of goods or services.

The other cases cited by the Examining Attorney in fact held that the marks were *descriptive*, not generic, of the services at issue. See *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 71 USPQ2d 1370 (Fed. Cir. 2004) (PATENTS.COM merely descriptive); *In re Microsoft Corp.*, 68 USPQ2d 1195, 1203 (TTAB 2003) (OFFICE.NET merely descriptive). These cases support Applicant’s contention that BOOKING.COM is likewise capable of functioning as a source identifier.

In fact, the most relevant “.com” case is *In re Steelbuilding.com*, 415 F.3d 1293 (Fed. Cir 2005), where the court reversed the TTAB’s holding that STEELBUILDING.COM was generic. The Federal Circuit held that the Board construed the genus of the applicant’s services too narrowly and wrongly dismissed the addition of the top level domain “.com” despite its expansion of the meaning of STEELBUILDING.COM. The Federal Circuit held that the fact that services other than “steel buildings” were offered was an important distinction. Further, the addition of “.com” expanded the mark to include Internet services such as building and designing steel structures on the website and then calculating the appropriate price.

This same logic applies to Applicant’s mark BOOKING.COM. The apt genus of service is “travel agency services,” not merely reservation services. Applicant’s services are offered both in person and online. Thus, the addition of “.com” expands the mark to make a mental connection in the minds of consumers between Applicant’s brick and mortar services and its online services. It also expands the mark to include Internet services such as reviews of lodgings and other travel related items. Like STEELBUILDING.COM, when taken as a whole BOOKING.COM conveys much more than mere “reservation” services.

4. Similarly Constituted Marks Have Been Found Registrable

The USPTO routinely grants registration of marks that combine a descriptive word with “com.”

A representative sample of such marks is listed below and printouts of the marks are enclosed as **Exhibit**

C. Applicant’s mark is at least as distinctive as these marks which have been granted registration.

- Reg. No. 4473679 - WWW.HEDGEFUNDRESEARCH.COM
- Reg. No. 4102997 - LOCAL.COM
- Reg. No. 4473656 - CHEAPROOMS.COM
- Reg. No. 4473546 - MONEYLAUNDERING.COM
- Reg. No. 4460827 - WORKOUT.COM
- Reg. No. 4337199 - PARTYDIGEST.COM
- Reg. No. 4449876 - UNIVERSITYJOBS.COM
- Reg. No. 4447376 - REPLACEYOURCELL.COM
- Reg. No. 4446472 - BUYLIGHTFIXTURES.COM
- Reg. No. 4212218 - ORANGECOUNTY.COM
- Reg. No. 4294532 - ENTERTAINMENT.COM
- Reg. No. 4374363 - DEALER.COM
- Reg. No. 4367264 - SKI.COM
- Reg. No. 4319981 - DIAPERS.COM

Likewise, Applicant previously cited to the Examining Attorney the following registered trademarks:

- Reg. No. 3,566,509 - ANCESTRY.COM
- Reg. No. 3,862,166 - ANSWERS.COM
- Reg. No. 4,184,950 - DICTIONARY.COM
- Reg. No. 3,556,668. 3,072,366 (and others) - REGISTER.COM.
- Reg. No. 3,860,755 - TUTOR.com
- Reg. No. 3,927,183 - WEATHER.COM
- Reg. No. 2,349,285 (and others) - WEBMD
- Reg. No. 2665841 - CHEAPTICKETS.COM
- Reg. No. 2397238 - STAPLES.COM

Applicant would be grateful to know by what principle the Examining Attorney believes that users of these services can be protected against confusion, but that the many loyal users of BOOKING.COM can no longer enjoy the certainty that services offered under the established trademark BOOKING.COM in fact come from the same source they have known and come to trust for almost twenty years, or the principle under which these trademark owners are allowed to protect the goodwill they have developed in their purely descriptive names, but pursuant to which the Examining Attorney wishes to take the “fateful step” of decreeing that BOOKING.COM should simply abandon the millions of dollars and two decades of work it has invested in building one of the most trusted travel sites available. *See, e.g., Ty, Inc. v Softbelly’s Inc., supra.*

For the foregoing reasons, Applicant submits that BOOKING.COM is not generic.

5. Applicant Has Proven Acquired Distinctiveness

In determining whether the applied-for mark has acquired distinctiveness, the following factors are generally considered: (1) length and exclusivity of use of the mark in the United States by Applicant; (2) the type, expense and amount of advertising of the mark in the United States; and (3) Applicant’s efforts in the United States to associate the mark with the source of the goods, such as in unsolicited media coverage and consumer studies. *See In re Steelbuilding.com*, 415 F.3d 1293, 1300, 75 USPQ2d 1420, 1424 (Fed. Cir. 2005). A showing of acquired distinctiveness need not consider all of these factors, and no single factor is determinative. *Id.*; 37 C.F.R. §2.41.

a. Length and Exclusivity of Use of the Mark

Applicant has been using BOOKING.COM since at least as early as 2006, a period of approximately eight years. **Exhibit D**, Declaration of Acquired Distinctiveness signed by Olivier Bisserier, Chief Financial Officer. Prior to adopting the mark BOOKING.COM, Applicant used the similar mark BOOKINGS. Applicant also owns a Supplemental Registration for BOOKINGS.COM.

The scope of Applicant’s business under the BOOKING.COM mark is astounding. In connection with its mark BOOKING.COM, Applicant offers customers the ability to make reservations at over 446,000 hotels and accommodations-providers in over 200 countries. Ex. D ¶3. Over 625,000 room nights are reserved

through Applicant's BOOKING.COM service every day. *Id.* ¶7. Applicant offers its BOOKING.COM service in more than 40 languages. *Id.* ¶8.

The total transaction value of mobile accommodation reservations made through the BOOKING.COM website more than doubled from over \$3 billion in 2012 to over \$8 billion in 2013. *Id.* ¶4.

b. Type, Expense, and Nature of Advertising

Millions of American customers are exposed to and use Applicant's BOOKING.COM branded services. Applicant has reached millions of American television viewers through BOOKING.COM television commercials aired on the following national channels: ABC, CBS, NBC Sports, Fox Soccer, MSNBC, TBS, TNT, A&E, History, USA, Comedy Central, Bravo, HGTV, FX, IFC, Travel, Style, E!, TNT, AMC, ESPN, BBC, DIY, Fox Soccer, NBA TV, Science Channel, TLC, Nat Geo, SYFY, Spike, and TruTV, among others. *Id.* ¶10.

In the first quarter of 2013, Applicant reached over 20 million (20,000,000) American consumers through BOOKING.COM commercials broadcast in movie theaters prior to feature films. *Id.* ¶12. In the first quarter of 2013, Applicant reached over 19 million (19,000,000) American consumers through BOOKING.COM Internet commercials streamed on websites such as Hulu.com, Tremor.com, and YouTube.com. *Id.* ¶13.

Applicant's BOOKING.COM branded website receives over thirty million (30,000,000) unique visitors each month. *Id.* ¶5. Over the past six months, Applicant's BOOKING.COM branded website has received an average of 10.3 million unique visitors from the United States per month. *Id.* ¶6.

There are over 2.2 million United States-based subscribers to newsletters branded under the BOOKING.COM mark. These newsletters advertise Applicant's BOOKING.COM services and are sent out an average of 2-3 times per month. *Id.* ¶9.

Applicant's extensive advertising provides wide and significant exposure to Applicant's mark.

c. Unsolicited Media Coverage and Consumer Commentary

On the social media website, Facebook.com, over 1.8 million people have "liked" BOOKING.COM and nearly 58,000 consumers are "talking about" BOOKING.COM. *Id.* ¶14. On the micro-blogging site Twitter, over 42,000 people are "following" BOOKING.COM. *Id.* ¶15. Customers frequently use

@bookingcom to engage Applicant in dialogue through Twitter. *Id.* This demonstrates that consumers recognize and use “BOOKING.COM” to refer to Applicant and to access Applicant’s services.

A search for Applicant’s mark BOOKING.COM on the Google News service generated over 2,000 unsolicited news articles. *Id.* ¶16. The sheer volume of unsolicited news articles discussing Applicant’s BOOKING.COM service demonstrates an enormous public recognition of Applicant’s mark as a source identifier.

Applicant’s BOOKING.COM service has received numerous industry awards, including, for example:

- J.D. Power and Associates, a premier research and analytics firm, ranked BOOKING.COM First in Consumer Satisfaction among independent travel websites based on a consumer survey (awarded in 2013);
- Hospitality Sales & Marketing Association International, the hospitality industry’s leading advocate for intelligent, sustainable hotel revenue growth, awarded Booking.com a “Gold” level Adrian Award for its 2013 BOOKING.YEAH advertising campaign (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the “Best Tablet App” (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the Best Mobile Site. (awarded in 2014).

These awards demonstrate significant recognition of BOOKING.COM as an indicator of source both from end consumers and from Applicant’s peers in the travel industry.

The wording in Applicant’s mark, BOOKING.COM, has acquired distinctiveness through its long use in the United States, its significant advertising campaign educating customers to identify the mark as an indicator of source, and significant consumer exposure to the mark. The success of Applicant’s efforts to acquire secondary meaning are evident from the vast unsolicited media coverage of Applicant and its mark and the numerous consumer and industry awards Applicant has received.

CONCLUSION

The wording in Applicant’s mark is inherently distinctive or, in the alternative, has acquired distinctiveness through use and does not need to be disclaimed. Accordingly, Applicant requests that the disclaimer requirement be withdrawn and that its application be passed to publication.

[1] According to the evidence provided by the Examining Attorney, the primary descriptive meaning of “booking” is for theater bookings, not travel. See **Dictionary.com** noun 1. a contract, engagement, or scheduled performance of a professional entertainer.

2. reservation 3. the act of a person who books. <http://dictionary.reference.com/browse/booking?s=t>; See also

MerriamWebster.com. 1 an arrangement for a person or group (such as a singer or band) to perform at a particular place; 2. an arrangement to have something (such as a room) held for your use at a later time; 3. soccer : the act of officially recording the name of a player who has broken the rules in a game. <http://www.merriam-webster.com/dictionary/booking>; **Collins American Dictionary** (previously attached), noun: an engagement, as for a lecture or concert. <http://www.collinsdictionary.com/dictionary/american/booking?showCookiePolicy=true>; **The Online Slang Dictionary**, adjective, “cool. From predictive software used in cell phone text messaging. “Book” and “cool” share the same key sequence”; verb, “to leave quickly.” <http://onlineslangdictionary.com/meaning-definition-of/booking>; **Urban Dictionary**, verb, “running really fast” <http://www.urbandictionary.com/define.php?term=booking>. In the securities industry, it is an arrangement between a buyer and sellers of stock option or futures giving either party the ability at a future date to determine the cash price of a forward sales agreement <http://www.investopedia.com/terms/b/bookingthebasis.asp>Copies of the dictionary definitions are attached as **Exhibit B**. Hence, by law, the primary meaning even of “booking” alone (which is not Applicant’s trademark) is not for travel services. [2] For several years, Coca-Cola was deemed the world’s most valuable trademark. It is now ranked number 3, behind Apple (which is also generic name for a fruit) and Google. <http://www.interbrand.com/en/best-global-brands/2013/Best-Global-Brands-2013.aspx>.

EVIDENCE

Evidence in the nature of Exhibits A-D has been attached.

Original PDF file:

[evi_20487401-105722119_.Exhibit_A.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

Original PDF file:

[evi_20487401-105722119_.Exhibit_B.pdf](#)

Converted PDF file(s) (22 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

[Evidence-21](#)

[Evidence-22](#)

Original PDF file:

[evi_20487401-105722119_.Exhibit_C.pdf](#)

Converted PDF file(s) (18 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

Original PDF file:

[evi_20487401-105722119_.Exhibit_D_0113.pdf](#)

Converted PDF file(s) (33 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

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[Evidence-27](#)
[Evidence-28](#)
[Evidence-29](#)
[Evidence-30](#)
[Evidence-31](#)
[Evidence-32](#)
[Evidence-33](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /katherine p califa/ Date: 05/19/2014

Signatory's Name: Katherine P. Califa

Signatory's Position: Attorney of record, DC bar member

Signatory's Phone Number: 202-672-5319

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79114998

Internet Transmission Date: Mon May 19 12:24:13 EDT 2014

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-N/A-20140519105722119020

EXHIBIT A

Collins
Dictionaries, Thesaurus, Translator, Words & Language, Word Games

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To investors who want to retire comfortably.
If you have a \$500,000 portfolio, download the guide by *Forbes* columnist and money manager Ken Fisher's firm. It's called "**The 15-Minute Retirement Plan.**" Even if you have something else in place right now, it *still* makes sense to request your guide! [Click Here to Download Your Guide!](#)
FISHER INVESTMENTS*

You are here > [Home](#) > [American English Dictionary](#) > Definition of "booking"

English English for Learners French German Spanish Italian

American English Dictionary

Pioneers in dictionary publishing since 1819

British English American English

Search

Browse the American Dictionary (A-Z)

Your search found: [booking](#) [book](#) [Usage examples](#) [Trends](#)

Word Frequency ●●●●●

booking

(ˈbʊkɪŋ )

Definitions

noun

an engagement, as for a lecture or concert

book

(bʊk )

Definitions

noun

- a number of sheets of paper, parchment, etc. with writing or printing on them, fastened together along one edge, usually between protective covers
 - a literary or scientific work, anthology, etc. so prepared, distinguished by length and form from a magazine, tract, etc.
- any of the main divisions of a long written or printed work, as of the Bible
- a set of blank or ruled sheets or printed forms bound in a tablet, for the entry of accounts, records, notes, etc. ⇒ *an account book*
 - (*[usually pl.]*) the records or accounts, as of a business, kept in such a book or books
- something regarded as a subject for study ⇒ *the book of life*
- the body of facts, traits, or circumstances connected with a person or subject, esp. as being understandable, evident, etc. [*an open book*] or obscure, done with, etc. ⇒ *a closed book*
- (*[pl.]*) studies; lessons
- the words of an opera or musical play; libretto *see also* [score](#)
 - the script of a play

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- 9.
- a list or record of bets taken and the odds given, as by bookmakers on horse races
 - (*slang*) [bookmaker \(sense 2\)](#)
10. (*bridge*) a certain number of tricks that must be won before additional tricks count in the score; specif., the first six tricks won by the declarer

transitive verb

- to record in a book; list
- to engage ahead of time, as rooms, transportation, performers or performances, etc.
- to record charges against on a police record
- to take (bets) as a bookmaker

adjective

- in, from, or according to books or accounts

See [bring to book](#)
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 See [on the books](#)
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 See [the book](#)
 See [throw the book at](#)
 See [write the book on](#)

Derived Forms

'booker *noun*

Word Origin

ME *bok* < OE *boc*, pl. *bēc* < PGmc * *bokiz*, beech, beechwood tablets carved with runes < IE * *bhagos*, beech > [beech](#), Gr *phagos*, L *fagus*

Synonyms

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= [work](#), [publication](#), [title](#), tome, [tract](#), [volume](#)
 = [notebook](#), album, [diary](#), exercise book, jotter, [pad](#)
 = [reserve](#), arrange for, [charter](#), [engage](#), make reservations, [organize](#), [program](#), [schedule](#)
 = [note](#), [enter](#), [list](#), [log](#), mark down, [put down](#), [record](#), [register](#), write down

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Big-time booking agents, big-time impresarios, roles that did justice to her gifts, could change this never-ending drudgery into hope again.
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 ONION(2004)

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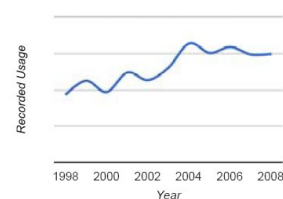
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booking

[boo k-ing] Show IPA

noun

- a contract, engagement, or scheduled performance of a professional entertainer.
- reservation (def 5) .
- the act of a person who books.

Relevant Questions

Origin:
1635-45; book + -ing¹

book

[boo k] Show IPA Dictionary.com Unabridged

noun

- a handwritten or printed work of fiction or nonfiction, usually on sheets of paper fastened or bound together within covers.
- a work of fiction or nonfiction in an electronic format: *Your child can listen to or read the book online.* See also e-book (def 2) .
- a number of sheets of blank or ruled paper bound together for writing, recording business transactions, etc.
- a division of a literary work, especially one of the larger divisions.
- the **Book**, the Bible.

verb (used with object)

- to enter in a book or list; record; register.
- to reserve or make a reservation for (a hotel room, passage on a ship, etc.): *We booked a table at our favorite restaurant.*
- to register or list (a person) for a place, transportation, appointment, etc.: *The travel agent booked us for next week's cruise.*
- to engage for one or more performances.
- to enter an official charge against (an arrested suspect) on a police register.

verb (used without object)

- to register one's name.
- to engage a place, services, etc.
- Slang.*
 - to study hard, as a student before an exam: *He left the party early to book.*
 - to leave; depart: *I'm bored with this party, let's book.*
 - to work as a bookmaker: *He started a restaurant with money he got from booking.*

adjective

- of or pertaining to a book or books: *the book department*; a *book salesman*.
- derived or learned from or based on books: *a book knowledge of sailing*.
- shown by a book of account: *The firm's book profit was \$53,680.*

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"I think of a hero as someone who understands the degree of responsibility that comes with ..."

-Bob Dylan
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4/28/2014

Verb phrases

34. **book in**, to sign in, as at a job.
35. **book out**, to sign out, as at a job.
36. **book up**, to sell out in advance: *The hotel is booked up for the Christmas holidays.*

Idioms

37. **bring to book**, to call to account; bring to justice: *Someday he will be brought to book for his misdeeds.*
38. **by the book**, according to the correct or established form; in the usual manner: *an unimaginative individual who does everything by the book.*
39. **close the books**, to balance accounts at the end of an accounting period; settle accounts.
40. **cook the books**, *Informal*. cook (def 12) .
41. **in one's bad books**, out of favor; disliked by someone: *He's in the boss's bad books.*

Origin:

before 900; Middle English, Old English *bōc*; cognate with Dutch *boek*, Old Norse *bók*, German *Buch*; akin to Gothic *boka* letter (of the alphabet) and not of known relation to beech, as is often assumed

Related forms

book-less, *adjective*

book-like, *adjective*

pre-book, *verb*

re-book, *verb*

un-booked, *adjective*

Synonyms

25. reserve, schedule, bill, slate, program.

Antonyms

25. cancel.

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book (bʊk)— *n*

1. hardback See also paperback a number of printed or written pages bound together along one edge and usually protected by thick paper or stiff pasteboard covers
2. a. a written work or composition, such as a novel, technical manual, or dictionary
b. (*as modifier*): *the book trade ; book reviews*
c. (*in combination*): *bookseller ; bookshop ; bookshelf ; bookrack*
3. a number of blank or ruled sheets of paper bound together, used to record lessons, keep accounts, etc
4. (*plural*) a record of the transactions of a business or society
5. the script of a play or the libretto of an opera, musical, etc
6. a major division of a written composition, as of a long novel or of the Bible
7. a number of tickets, sheets, stamps, etc, fastened together along one edge
8. *bookmaking* a record of the bets made on a horse race or other event
9. (in card games) the number of tricks that must be taken by a side or player before any trick has a scoring value: *in bridge, six of the 13 tricks form the book*
10. strict or rigid regulations, rules, or standards (esp in the phrases **according to the book**, **by the book**)
11. a source of knowledge or authority: *the book of life*
12. a telephone directory (in the phrase **in the book**)
13. (*sometimes capital*) **the book** the Bible
14. **an open book** a person or subject that is thoroughly understood
15. **a closed book** a person or subject that is unknown or beyond comprehension: *chemistry is a closed book to him*
16. **bring to book** to reprimand or require (someone) to give an explanation of his conduct
17. **close the book on** to bring to a definite end: *we have closed the book on apartheid*
18. *accounting* **close the books** to balance accounts in order to prepare a statement or report

- 19.**informal cook the books** to make fraudulent alterations to business or other accounts
- 20.**in my book** according to my view of things
- 21.**in someone's bad books** regarded by someone with disfavour
- 22.**in someone's good books** regarded by someone with favour
- 23.**keep the books** to keep written records of the finances of a business or other enterprise
- 24.**on the books**
- a.enrolled as a member
 - b.registered or recorded
- 25.**read someone like a book** to understand a person, or his motives, character, etc, thoroughly and clearly
- 26.**throw the book at**
- a.to charge with every relevant offence
 - b.to inflict the most severe punishment on

— **vb**

- 27.to reserve (a place, passage, etc) or engage the services of (a performer, driver, etc) in advance: *to book a flight* ; *to book a band*
- 28.(*tr*) to take the name and address of (a person guilty of a minor offence) with a view to bringing a prosecution: *he was booked for ignoring a traffic signal*
- 29.(*tr*) (of a football referee) to take the name of (a player) who grossly infringes the rules while playing, two such acts resulting in the player's dismissal from the field
- 30.**archaic** (*tr*) to record in a book

[Old English *bōc* ; related to Old Norse *bōk* , Old High German *buoh* book, Gothic *bōka* letter; see beech (the bark of which was used as a writing surface)]

booking (ˈbʊkɪŋ)

— **n**

- 1.**chiefly** (*Brit*)
- a.a reservation, as of a table or room in a hotel, seat in a theatre, or seat on a train, aircraft, etc
 - b. (*as modifier*): *the booking office at a railway station*
- 2.**theatre** an engagement for the services of an actor or acting company

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 Publishers 1998, 2000, 2003, 2005, 2006, 2007, 2009
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Word Origin & History

Etymonline

book

O.E. boc "book, writing, written document," traditionally from P.Gmc. *bokiz "beech" (cf. Ger. Buch "book" Buche "beech;" see [beech](#)), the notion being of beechwood tablets on which runes were inscribed, but it may be from the tree itself (people still carve initials in them).

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Bible Dictionary

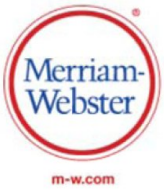
Easton

Book definition

This word has a comprehensive meaning in Scripture. In the Old Testament it is the rendering of the Hebrew word *sepher*, which properly means a "writing," and then a "volume" (Ex. 17:14; Deut. 28:58; 29:20; Job 19:23) or "roll of a book" (Jer. 36:2, 4). Books were originally written on skins, on linen or cotton cloth, and on Egyptian papyrus, whence our word "paper." The leaves of the book were generally written in columns, designated by a Hebrew word properly meaning "doors" and "valves" (Jer. 36:23, R.V., marg. "columns"). Among the Hebrews books were generally rolled up like our maps, or if very long they were rolled from both ends, forming two rolls (Luke 4:17-20). Thus they were arranged when the writing was on flexible materials; but if the writing was on tablets of wood or brass or lead, then the several tablets were bound together by rings through which a rod was passed. A sealed book is one whose contents are secret (Isa. 29:11; Rev. 5:1-3). To "eat" a book (Jer. 15:16; Ezek. 2:8-10; 3:1-3; Rev. 10:9) is to study its contents carefully. The book of judgment (Dan. 7:10) refers to the method of human courts of justice as illustrating the proceedings which will take place at the day of God's final judgment. The book of the wars of the Lord (Num. 21:14), the book of Jasher (Josh. 10:13), and the book of the chronicles of the kings of Judah and Israel (2 Chr. 25:26), were probably ancient documents known to the Hebrews, but not forming a part of the canon. The book of life (Ps. 69:28) suggests the idea that as the redeemed form a community or citizenship (Phil. 3:20; 4:3), a catalogue of the citizens' names is preserved (Luke 10:20; Rev. 20:15). Their names are registered in heaven (Luke 10:20; Rev. 3:5). The book of the covenant (Ex. 24:7), containing Ex. 20:22-23:33, is the first book actually mentioned as a part of the written word. It contains a series of laws, civil, social, and religious, given to Moses at Sinai immediately after the delivery of the decalogue. These were written in this "book."

Easton's 1897 Bible Dictionary
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- book
- booking clerk

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book-ing *noun* \ˈbū-kiŋ\
: an arrangement for a person or group (such as a singer or band) to perform at a particular place
: an arrangement to have something (such as a room) held for your use at a later time
soccer : the act of officially recording the name of a player who has broken the rules in a game

Full Definition of BOOKING

- : the act of one that [books](#)
- : an engagement or scheduled performance
- : [RESERVATION](#) 1c

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Examples of BOOKING

She has several concert *bookings* this fall.

The comedian missed some *bookings* because of illness.

All *booking* is done by the band's manager.

First Known Use of BOOKING

1823

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Word Frequency ●●●●●

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booking ('bukɪŋ)

Definitions

noun

an engagement, as for a lecture or concert

book (buk)

Definitions

noun

- a number of sheets of paper, parchment, etc. with writing or printing on them, fastened together along one edge, usually between protective covers
 - a literary or scientific work, anthology, etc. so prepared, distinguished by length and form from a magazine, tract, etc.
- any of the main divisions of a long written or printed work, as of the Bible
- a set of blank or ruled sheets or printed forms bound in a tablet, for the entry of accounts, records, notes, etc. ⇒ *an account book*
 - (*[usually pl.]*) the records or accounts, as of a business, kept in such a book or books
- something regarded as a subject for study ⇒ *the book of life*
- the body of facts, traits, or circumstances connected with a person or subject, esp. as being understandable, evident, etc. [*an open book*] or obscure, done with, etc. ⇒ *a closed book*
- (*[pl.]*) studies; lessons
- the words of an opera or musical play; libretto *see also* [score](#)
 - the script of a play



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9.

- a. a list or record of bets taken and the odds given, as by bookmakers on horse races
 b. (*slang*) [bookmaker \(sense 2\)](#)

10. (*bridge*) a certain number of tricks that must be won before additional tricks count in the score; specif., the first six tricks won by the declarer

transitive verb

11. to record in a book; list
 12. to engage ahead of time, as rooms, transportation, performers or performances, etc.
 13. to record charges against on a police record
 14. to take (bets) as a bookmaker

adjective

15. in, from, or according to books or accounts

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Last 50 years
 Last 100 years
 Last 300 years

Derived Forms

'booker *noun*

Word Origin

ME *bok* < OE *boc*, pl. *bēc* < PGmc * *bokiz*, beech, beechwood tablets carved with runes < IE * *bhagos*, beech > [beech](#), Gr *phagos*, L *fagus*

Synonyms

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= [work](#), [publication](#), [title](#), tome, [tract](#), [volume](#)
 = [notebook](#), album, [diary](#), exercise book, jotter, [pad](#)
 = [reserve](#), arrange for, [charter](#), [engage](#), make reservations, [organize](#), [program](#), [schedule](#)
 = [note](#), [enter](#), [list](#), [log](#), mark down, [put down](#), [record](#), [register](#), write down

Example Sentences Including 'booking'

Big-time booking agents, big-time impresarios, roles that did justice to her gifts, could change this never-ending drudgery into hope again.

Spellman, Cathy CashPAINT THE WIND(1990)

There's no two ways about it: You two are booking a vacation to Splitville.
 ONION(2004)

Families can save up to \$100 when booking a special to Keystone before Nov. 30 for travel Nov. 30-Dec.
 CHICAGO SUN-TIMES(2002)

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Some might speculate that his primary booking agent must be a merry prankster.
CHICAGO SUN-TIMES(2003)

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Sweetland, BenGROW RICH WHILE YOU SLEEP(1994)

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The Online Slang Dictionary

(American, English, and Urban slang)



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← Previous - boojum

booking

bookish - Next →

Definition of booking

book ★

adjective

- cool. From predictive software used in cell phone text messaging. "Book" and "cool" share the same key sequence.

That's **book**!

- See more words with the same meaning: good, okay, cool, awesome, fun.

Last edited on Jul 24 2004. Submitted by Anonymous on Jul 24 2004.

verb

- to leave quickly.

When the police arrived, we **booked**.

- See more words with the same meaning: to go, leave, exit.

Last edited on Oct 01 2001. Submitted by Walter Rader (Editor) from Sacramento, CA, USA on Oct 01 2001.

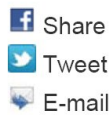
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Usage



Vulgarity



SlangMap

Related words

Slang terms with the same meaning

Other terms relating to 'good, okay, cool, awesome, fun':

- **like whoa** Definitions include: very good; excellent; "cool"; "awesome".
- **swass** Definitions include: acronym for "some wild-ass silly shit".
- **jam-packed** Definitions include: extremely full.
- **shiznot** Definitions include: censored variant of "shit".
- **superfly** Definitions include: way cool or off the chain.
- **ace** Definitions include: a very good, trusted friend, often from childhood; "homie"; "boy".
- **crump** Definitions include: very good, excellent; "cool".
- **primo** Definitions include: attractive, great, flawless; "awesome".
- **kind** Definitions include: very nice, unique, beautiful.
- **off the heezy fo' sheezy** Definitions include: "off the heezy for sheezy", i.e. "off the hook for sure".
- **da sh*t** Definitions include: "the shit".
- **nasty** Definitions include: really bad, disgusting.
- **like the goose** Definitions include: of good quality. Also used to describe something that one is proud of.
- **coolish** Definitions include: Even better than cool.
- **tasty** Definitions include: really good, attractive, or just cool.
- (show 373 more)

Other terms relating to 'to go, leave, exit':

- **peace** Definitions include: interjection to announce one's departure.
- **dust** Definitions include: to leave.

• truck	Definitions include: to move or to go.
• bizust	Definitions include: to leave or exit.
• skedaddle	Definitions include: to leave.
• five thousand	Definitions include: "goodbye"; "see you later".
• ghost	Definitions include: leaving.
• quick outie	Definitions include: a person who leaves quickly when something bad is about to happen.
• tear	Definitions include: to leave quickly.
• chip	Definitions include: leave/to walk
• make like a baby and head out	Definitions include: to leave.
• R & R	Definitions include: "Rock and Roll."
• push off	Definitions include: to do illegal drugs, especially heroin.
• hit	Definitions include: messy, trashy, or dilapidated.
• amscray	Definitions include: " <u>scram</u> " in Pig Latin.
• (show 133 more)	

Slang terms with the same root words

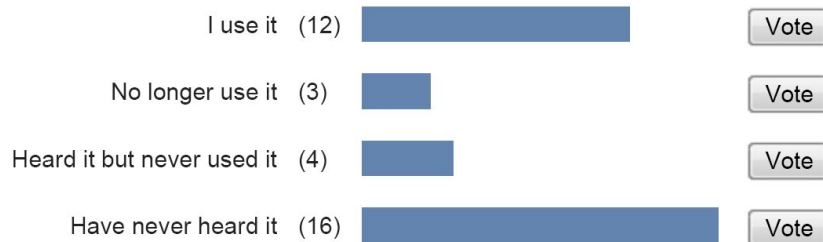


Other terms relating to 'book':

• book it	Definitions include: to move very fast.
• book smarts	Definitions include: knowledge gained from reading and studying.
• by the book	Definitions include: strictly following procedure.
• central booking	Definitions include: a lock-up in a local police station.
• close the book	Definitions include: to end.
• cooked books	Definitions include: manipulated accounting records.

- **cook the books** Definitions include: to change accounting records to hide fraud or other crimes.
- **go off-book** Definitions include: to not follow the script.
- **hit the books** Definitions include: to prepare for school.
- **one for the books** Definitions include: something extremely notable.
- **slam book** Definitions include: a paper notebook passed between peers at a school, in which they write mean things about ("slam") classmates and others.
- **throw the book at** Definitions include: to prosecute to the full extent of the law.

How common is this slang?



How vulgar is this slang?

Average of 15 votes: **32%** ([See the most vulgar words.](#))

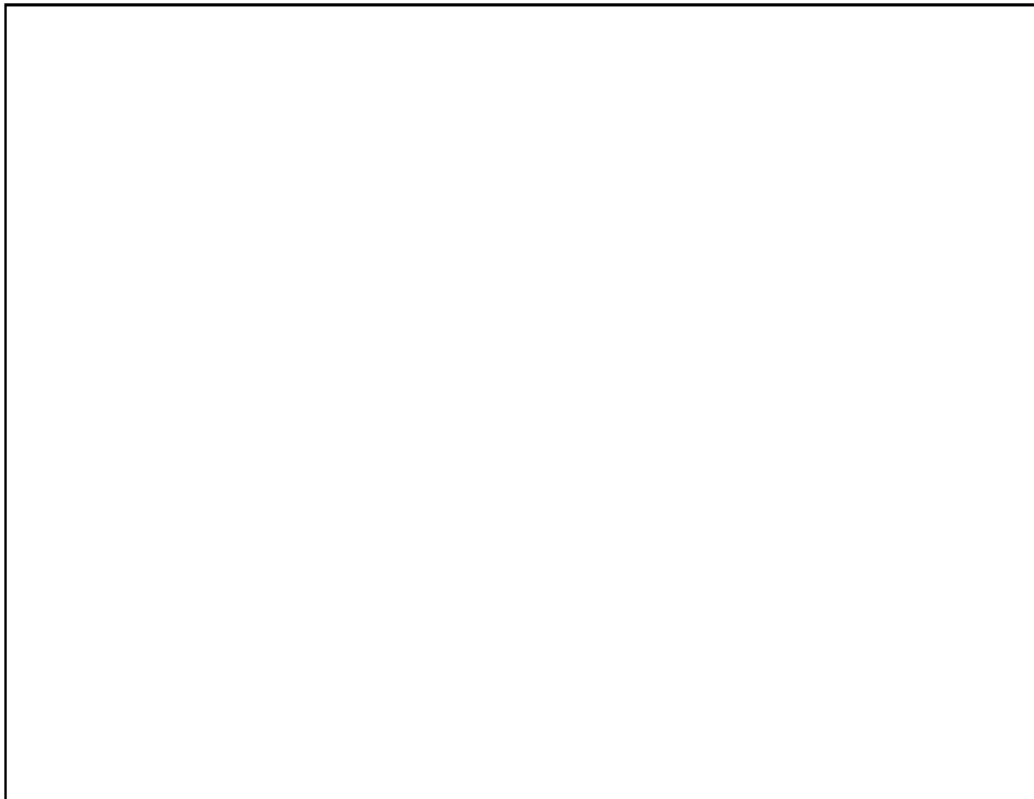


Your vote: **None** (To vote, click the pepper. Vote how *vulgar* the word is – not how mean it is.)



Where is this slang used?

Logged-in users can add themselves to the map. [Login](#), [Register](#), [Login instantly with Facebook](#).



Link to this slang definition

To link to this term in a web page or blog, insert the following.

```
<a href="http://onlineslangdictionary.com/meaning-definition-of/booking">booking</a>
```

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Some wikis use a different format for links, so be sure to check the documentation.

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Maintained by Walter Rader (waltergr@aol.com)

urban

DICTIONARY

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booking

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1.

booking



running really fast
probably comes from setting a record, or putting it in the books
Man, stop booking!

by Page April 05, 2003




142 29

Mugs & shirts

Words related to **booking**:

- book
- books
- facebook
- face
- reading
- twilight
- harry potter
- literature
- sex
- school
- library
- movie
- read
- awesome
- movies
- novel
- shit
- author
- cool
- booked

Random Word



Upload a picture of booking

2.

Bookings





Downtown police station where you get processed when you get caught


Shit i got caught 2 weeks ago and had to go to the bookings

by B.A.G. January 31, 2008



17 3



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3.

booking



oldschool term, comes from the early 70s locking dance scene, good dancing or locking also means to leave a location, or to do something in a hurry


1. he was really booking thats why he won the dance contest.


2.After the show he had to book

3. he must have been in a hurry. he was booking around the corner

by greg pope December 17, 2004





29 29



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4.

booking






The act of leaving a book you have read in a random place for somebody else to discover.





Officially started by Joy V. (Kalamazoo, MI) in 2011, booking was an alternative to such trends as planking and cone-ing.

Related - booked, rebooked

I'm about to finish this awesome book. I plan on booking it at a restaurant this weekend.

by Booker2 November 10, 2011







Mugs & shirts >

5. booking



either searching with a purpose or with no purpose at all on Facebook

I was booking hard last night and found the hottest chick and you're friends with her. Who is she?

by el osito October 25, 2010



8 15



Mugs & shirts >

6. Booking



Amazing, fantastic, the best. A sublime thing.

Girl, his sex was booking. BOOK-ING.

by Anutheamazing January 19, 2011



3 12



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7. Booking



When a person or group of people go to a used book store and load up on free used paperback books. You load the books into your car a drive around until you see a pedestrian. While driving by the poor sap, throw a book at the person while yelling "EDUCATE YO'SELF BITCH!"

We went to the book store to get some ammunition for booking.

by Jackalman November 13, 2007





👍 29 🗨️ 39



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8. booking



Hooking up

I booked this girl last night...

by Rufus September 13, 2003



👍 20 🗨️ 38



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9. booking



to chat with someone on facebook. To use facebook's chat.

I was booking him earlier today.

by sweetiepie88 April 22, 2010



👍 1 🗨️ 26



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Booking the Basis

AAA



Definition of 'Booking the Basis'

An arrangement made between a buyer and seller giving either party the ability, at some future date, to determine the cash price of the forward sales agreement. Once the basis of a futures contract is booked, it is applied to the current futures price and is maintained for the duration of the contract. Also known as "deferred pricing."



Investopedia explains 'Booking the Basis'

Booking the basis is used to calculate what the price will be at some time in the future. First the parties agree upon the formula or basis. Then, at a later date, the price is found by applying the previously agreed upon basis to the current futures quotation.

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EXHIBIT C

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United States Patent and Trademark Office

WWW.HEDGEFUNDRESEARCH.COM

Reg. No. 4,473,679

Registered Jan. 28, 2014

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

HEDGE FUND RESEARCH, INC. (ILLINOIS CORPORATION)
SUITE 700
10 S. RIVERSIDE PLAZA
CHICAGO, IL 60606

FOR: ONLINE FINANCIAL INFORMATION SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-0-2003; IN COMMERCE 1-0-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-792,066, FILED 11-30-2012.

DANNEAN HETZEL, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

local^{.COM}

Reg. No. 4,102,997

Registered Feb. 21, 2012

Int. Cls.: 35 and 42

SERVICE MARK

PRINCIPAL REGISTER

LOCAL.COM CORPORATION (DELAWARE CORPORATION)
7555 IRVINE CENTER DRIVE
IRVINE, CA 92618

FOR: COMPUTER SERVICES, NAMELY, PROVIDING BUSINESS INFORMATION ON A GLOBAL COMPUTER NETWORK; ON-LINE TELEPHONE AND ADDRESS DIRECTORY INFORMATION SERVICES; PROVIDING AN ON-LINE SEARCHABLE DATABASE FEATURING CLASSIFIED AD LISTINGS AND EMPLOYMENT OPPORTUNITIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-29-2010; IN COMMERCE 10-29-2010.

FOR: COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR OBTAINING DATA ON A GLOBAL COMPUTER NETWORK; COMPUTER SERVICES, NAMELY, CREATING INDEXES OF INFORMATION, WEB SITES, AND OTHER RESOURCES AVAILABLE ON COMPUTER NETWORKS; COMPUTER SERVICE, NAMELY, ACTING AS AN APPLICATION SERVICE PROVIDER IN THE FIELD OF KNOWLEDGE MANAGEMENT TO HOST COMPUTER APPLICATION SOFTWARE FOR SEARCHING AND RETRIEVING INFORMATION FROM DATABASES AND COMPUTER NETWORKS; COMPUTER SERVICES, NAMELY, ACTING AS AN APPLICATION SERVICE PROVIDER IN THE FIELD OF KNOWLEDGE MANAGEMENT TO HOST COMPUTER APPLICATION SOFTWARE FOR CREATING SEARCHABLE DATABASES OF INFORMATION AND DATA; COMPUTER SERVICES, NAMELY, ACTING AS AN APPLICATION SERVICE PROVIDER IN THE FIELD OF KNOWLEDGE MANAGEMENT TO HOST COMPUTER APPLICATION SOFTWARE FOR THE COLLECTION, EDITING, ORGANIZING, MODIFYING, TRANSMISSION, STORAGE AND SHARING OF DATA AND INFORMATION; ELECTRONIC NAVIGATION SERVICES, NAMELY, PROVIDING SEARCH ENGINE SERVICES FOR OBTAINING DATA VIA A GLOBAL COMPUTER NETWORK; PROVIDING CUSTOMIZED ONLINE WEB PAGES FEATURING USER-DEFINED INFORMATION, WHICH INCLUDES SEARCH ENGINES AND ONLINE WEB LINKS TO OTHER WEBSITES; PROVIDING A WEB SITE THAT ENABLES USERS TO POST ITEMS FOR SALE THROUGH ON-LINE CLASSIFIED ADVERTISEMENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).



David J. Kappas

Director of the United States Patent and Trademark Office

FIRST USE 10-29-2010; IN COMMERCE 10-29-2010.

OWNER OF U.S. REG. NOS. 3,500,667 AND 3,503,576.

Reg. No. 4,102,997 SEC. 2(F) AS TO "LOCAL.COM".

THE MARK CONSISTS OF THE WORDS "LOCAL.COM" IN A STYLIZED FORMAT WITH THE ".COM" PORTION LOCATED INSIDE AN OBLONG WORD BUBBLE ABOVE THE LETTER "A" IN THE WORD "LOCAL".

SN 85-125,594, FILED 9-9-2010.

DAWN HAN, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

CHEAPROOMS.COM

Reg. No. 4,473,656

Registered Jan. 28, 2014

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

KLAUDIA KRIZICEVIC (CROATIA INDIVIDUAL)
MIHANOVICVA 4/II
SPLIT, CROATIA

FOR: PROVIDING TRAVEL LODGING INFORMATION SERVICES AND TRAVEL LODGING
BOOKING AGENCY SERVICES FOR TRAVELERS; PROVIDING REVIEWS OF TEMPORARY
LODGINGS VIA TELEPHONE, FACSIMILE, MAIL, THE INTERNET, AND OTHER COM-
PUTER NETWORKS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 10-26-1998; IN COMMERCE 5-1-2002.

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SEC. 2(F).

SER. NO. 85-789,129, FILED 11-28-2012.

CORY BOONE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

MONEYLAUNDERING.COM

Reg. No. 4,473,546

Registered Jan. 28, 2014

Int. Cls.: 36, 38, 41 and 42

SERVICE MARK

PRINCIPAL REGISTER

ASSOCIATION OF CERTIFIED ANTI-MONEY LAUNDERING SPECIALISTS, LLC
(DELAWARE CORPORATION)
80 SW 8TH STREET
SUITE 2350
MIAMI, FL 33130

FOR: PROVIDING INFORMATION THROUGH AN ELECTRONIC COMMUNICATIONS NETWORK ALL IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION; PROVISION OF NEWS AND INFORMATION IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-15-1996; IN COMMERCE 8-15-1996.

FOR: PROVIDING EMAIL NOTIFICATION ALERTS IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION; TRANSMISSION OF NEWS, DOCUMENTS, AND DOCUMENT SUMMARIES VIA GLOBAL COMMUNICATION NETWORKS, ALL IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 9-14-2009; IN COMMERCE 9-14-2009.

FOR: EDUCATIONAL SERVICES, NAMELY, PROVIDING CONFERENCES AND SEMINARS IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-13-1993; IN COMMERCE 5-13-1993.

FOR: PROVIDING A WEBSITE FEATURING TECHNOLOGY THAT ENABLES REGISTERED INTERNET USERS TO SEARCH FOR, VIEW, COPY, PRINT, DOWNLOAD, EDIT AND SHARE NEWS, DOCUMENTS, AND DOCUMENT SUMMARIES IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGULATION (FIRST USE: 12/31/2001. FIRST USE IN COMMERCE: 12/31/2001); PROVIDING A WEBSITE FEATURING TECHNOLOGY THAT ENABLES REGISTERED INTERNET USERS TO MANAGE BOOKMARKS AND FAVORITES IN AN ELECTRONIC DATABASE OF NEWS, DOCUMENTS AND DOCUMENT SUMMARIES IN THE FIELD OF FINANCIAL TRANSACTIONS AND CURRENCY REGU-



Michelle K. Lee
Deputy Director of the United States
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SEC. 2(F).

SER. NO. 85-770,572, FILED 11-2-2012.

ALAIN LAPTER, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

WORKOUT.COM

Reg. No. 4,460,827

Registered Jan. 7, 2014

Int. Cls.: 41 and 44

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FOR: PROVIDING INFORMATION ABOUT EXERCISE PROGRAMS AND WEIGHT TRAINING VIA A GLOBAL COMPUTER NETWORK; PHYSICAL FITNESS CONSULTATION, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-24-1997; IN COMMERCE 2-6-1999.

FOR: PROVIDING INFORMATION ABOUT PHYSICAL FITNESS DIETING AND HEALTH VIA A GLOBAL COMPUTER NETWORK; NUTRITION CONSULTATION, IN CLASS 44 (U.S. CLS. 100 AND 101).

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SEC. 2(F).

SER. NO. 85-539,080, FILED 2-10-2012.

SHAILA LEWIS, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
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Int. Cl.: 41

SERVICE MARK

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APT. 2H
37 WALL STREET
NEW YORK, NY 10005

FOR: PROVIDING AN ON-LINE COMPUTER DATABASE FOR OTHERS FEATURING SOCIAL EVENT, CULTURAL EVENT, ATHLETIC EVENT AND MUSICAL EVENT LISTINGS, AND LISTINGS FOR BUSINESS EDUCATION EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-1-1995; IN COMMERCE 11-1-1995.

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SER. NO. 85-563,690, FILED 3-8-2012.

AISHA SALEM, EXAMINING ATTORNEY



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Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

UniversityJobs.com

Reg. No. 4,449,876

Registered Dec. 17, 2013

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

AMERICAREERS LLC (MICHIGAN LIMITED LIABILITY COMPANY)
PO BOX 218993
HOUSTON, TX 77218

FOR: PROVIDING TEMPORARY USE OF A WEB-BASED SOFTWARE APPLICATION FOR ALLOWING USERS TO SEND THEIR PERSONAL INFORMATION ELECTRONICALLY AND KEEP TRACK OF THOSE TRANSMISSIONS; PROVIDING TEMPORARY USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE AND APPLICATIONS FOR ALLOWING USERS TO POST, EDIT AND MANAGE THEIR PERSONAL INFORMATION AND DOCUMENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-17-2003; IN COMMERCE 7-17-2003.

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SEC. 2(F).

SER. NO. 85-715,396, FILED 8-28-2012.

VERNA BETH RIRIE, EXAMINING ATTORNEY



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United States Patent and Trademark Office

replaceyourcell.com

Reg. No. 4,447,376

Registered Dec. 10, 2013

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

WITRIOL, DAVID (UNITED STATES INDIVIDUAL)
1839 54TH STREET
BROOKLYN, NY 11204

FOR: ON-LINE RETAIL STORE SERVICES FEATURING NEW AND USED CELL PHONES,
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FIRST USE 3-28-2005; IN COMMERCE 3-28-2005.

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SER. NO. 85-910,776, FILED 4-22-2013.

ELIZABETH CHANG, EXAMINING ATTORNEY



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Registered Dec. 10, 2013

Int. Cl.: 35

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PRINCIPAL REGISTER

LIGHTHOUSE MARKETING, INC. (MINNESOTA CORPORATION)
SUITE A
455 BROADWAY AVE.
ST. PAUL PARK, MN 55071

FOR: ON-LINE RETAIL STORE SERVICES FEATURING LIGHT FIXTURES, LIGHT BULBS,
LIGHTING PRODUCTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-1-2003; IN COMMERCE 11-1-2003.

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SEC. 2(F).

SER. NO. 85-786,333, FILED 11-24-2012.

GINA FINK, EXAMINING ATTORNEY



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Reg. No. 4,212,218

Registered Sep. 25, 2012

Int. Cls.: 16 and 41

TRADEMARK

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625 NORTH GRAND AVENUE
SANTA ANA, CA 92701

FOR: PRINTED PUBLICATIONS, NAMELY, GENERAL FEATURE MAGAZINES, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-9-2010; IN COMMERCE 6-9-2010.

FOR: PROVIDING ON-LINE NON-DOWNLOADABLE GENERAL FEATURE MAGAZINES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-26-2006; IN COMMERCE 12-26-2006.

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SEC. 2(F).

SER. NO. 85-069,931, FILED 6-23-2010.

HEATHER BIDDULPH, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

entertainment.com

Reg. No. 4,294,532

Registered Feb. 26, 2013

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

ENTERTAINMENT PUBLICATIONS LLC (DELAWARE LIMITED LIABILITY COMPANY)
1414 E. MAPLE ROAD
TROY, MI 48063

FOR: ADVERTISING AND PROMOTIONAL SERVICES, NAMELY, PROMOTING THE GOODS AND SERVICES OF OTHERS THROUGH THE DISTRIBUTION OF COUPONS, AND DISCOUNT OFFERS WHICH ENTITLE THE HOLDER TO RECEIVE DISCOUNTS ON DINING, HOTEL ACCOMMODATIONS, CONSUMER MERCHANDISE, TRAVEL, MOVIES, SPORTS, THEATER AND OTHER LEISURE ACTIVITIES; PROVIDING ADVERTISING SERVICE THROUGH THE DISTRIBUTION OF ADVERTISEMENTS, COUPONS AND DISCOUNT OFFERS FOR DISPLAY ON INTERNET, NAMELY, IN WEBSITES, E-MAILS AND MULTI-MEDIA MESSAGES; PROVIDING VIA ON-LINE COMPUTER SERVICES A MEMBERSHIP PROGRAM ENTITLING THE PARTICIPANTS TO RECEIVE DISCOUNTS ON DINING, HOTEL ACCOMMODATIONS, CONSUMER MERCHANDISE, TRAVEL, MOVIES, SPORTS, THEATER AND OTHER LEISURE ACTIVITIES, AND PROVIDING IN CONNECTION THEREWITH AN ON-LINE DIRECTORY OF INFORMATION ABOUT THE DISCOUNT PROGRAM AND PARTICIPATING BUSINESSES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

OWNER OF U.S. REG. NOS. 2,298,592, 4,071,731 AND OTHERS.

THE MARK CONSISTS OF THE WORDS "ENTERTAINMENT.COM" IN SCRIPT.

SEC. 2(F).

SER. NO. 85-514,287, FILED 1-11-2012.

LAURA KOVALSKY, EXAMINING ATTORNEY



Laura Kovalsky
Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

DEALER.COM

Reg. No. 4,374,363

Registered July 30, 2013

Int. Cls.: 35, 41 and 42

SERVICE MARK

PRINCIPAL REGISTER

DEALER DOT COM, INC. (DELAWARE CORPORATION)
1 HOWARD STREET
BURLINGTON, VT 05401

FOR: ADVERTISING SERVICES FOR OTHERS, NAMELY, PROVIDING INTERNET MARKETING, ONLINE ADVERTISING, SEARCH ENGINE MARKETING AND OPTIMIZATION, LEAD GENERATION, LEAD MANAGEMENT, INVENTORY MARKETING, AND PERFORMANCE ANALYTICS SERVICES TO THIRD PARTIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-30-2001; IN COMMERCE 9-30-2001.

FOR: TRAINING SERVICES IN THE FIELD OF INTERNET MARKETING AND WEBSITE MANAGEMENT FOR THIRD PARTIES; PROVIDING ONLINE NEWSLETTERS IN THE FIELD OF INTERNET MARKETING TO THIRD PARTIES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-30-2001; IN COMMERCE 9-30-2001.

FOR: DESIGN, CREATION, HOSTING, MAINTENANCE AND OPTIMIZATION OF ONLINE WEBSITES FOR THIRD PARTIES; SOFTWARE AS A SERVICE (SAAS) SERVICES, NAMELY, HOSTING SOFTWARE FOR USE BY OTHERS FOR USE IN THE DESIGN, CREATION AND OPTIMIZATION OF ONLINE WEBSITES; SOFTWARE AS A SERVICE (SAAS) SERVICES, NAMELY, HOSTING SOFTWARE FOR USE BY OTHERS FOR USE IN INTERNET MARKETING, ONLINE ADVERTISING, SEARCH ENGINE OPTIMIZATION, LEAD GENERATION, LEAD MANAGEMENT, INVENTORY MARKETING, AND PERFORMANCE ANALYTICS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-30-2001; IN COMMERCE 9-30-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.



Steven M. Klee
Acting Director of the United States Patent and Trademark Office

SEC. 2(F).

SER. NO. 85-317,706, FILED 5-11-2011.

Reg. No. 4,374,363 EMILY CHUO, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

SKI.COM

Reg. No. 4,367,264

Registered July 16, 2013

Int. Cl.: 39

SERVICE MARK

PRINCIPAL REGISTER

S&L TRAVEL PARTNERS, INC. (COLORADO CORPORATION), DBA SKI.COM
AABC 210, SUITE AA
ASPEN, CO 81611

FOR: ARRANGING AND COORDINATING TRAVEL ARRANGEMENTS FOR INDIVIDUALS AND GROUPS, NAMELY, DESTINATIONS STAYS, HONEYMOONS, FAMILY VACATIONS, AND DESTINATION WEDDINGS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 1-1-2000; IN COMMERCE 9-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

SER. NO. 85-731,085, FILED 9-17-2012.

MATTHEW MCDOWELL, EXAMINING ATTORNEY



Steven M. Hirsch
Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

DIAPERS.COM

Reg. No. 4,319,981

Registered Apr. 16, 2013

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

QUIDSI, INC. (DELAWARE CORPORATION)
10 EXCHANGE PLACE, 25TH FLOOR
JERSEY CITY, NJ 07302

FOR: ON-LINE RETAIL STORE SERVICES FEATURING FOOD, BABY FORMULA, BABY SAFETY EQUIPMENT, TOYS, CLOTHING NOT INCLUDING DIAPERS, SHOES, BEDDING, SKIN CARE PRODUCTS NOT INCLUDING DIAPER RASH PRODUCTS, HAIR AND ORAL CARE PRODUCTS, BATH PRODUCTS, FURNITURE, BABY FEEDING ACCESSORIES, MATERNITY PRODUCTS NOT INCLUDING DIAPERS, NURSING EQUIPMENT AND ACCESSORIES NOT INCLUDING DIAPERS, STROLLERS, CAR SEATS, BABY CARRIERS, HOUSEHOLD CLEANING PRODUCTS, AND BOOKS, MUSIC, VIDEOS AND MOVIES NOT IN THE FIELD OF DIAPERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-21-2007; IN COMMERCE 3-21-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,678,046, 3,745,553, AND 3,747,930.

SEC. 2(F).

SER. NO. 85-605,188, FILED 4-23-2012.

MATTHEW KLINE, EXAMINING ATTORNEY



Lynn Shusterman
Acting Director of the United States Patent and Trademark Office

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BOOKING.COM

Serial No.: 79/114998

Filing Date: June 5, 2012

Applicant: Booking.com B.V.

Examiner: Sharon Meier
Law Office 112

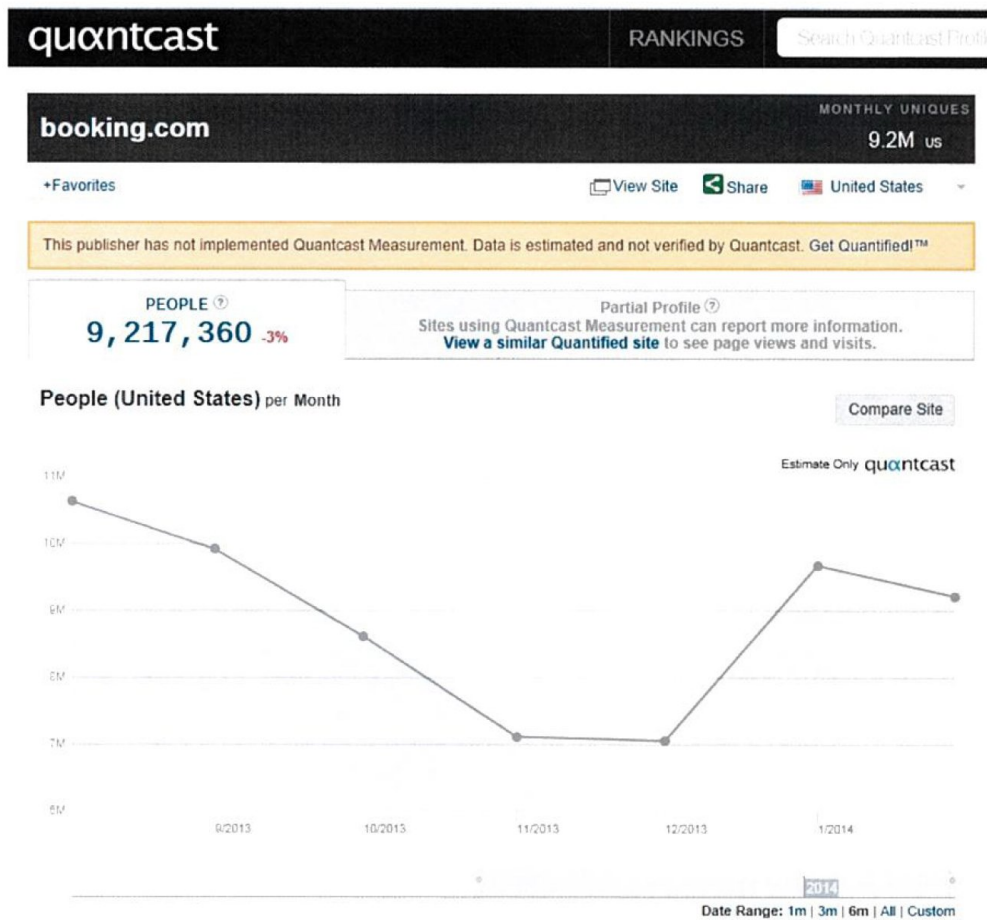
**DECLARATION UNDER 37 C.F.R. § 2.20 OF
ACQUIRED DISTINCTIVENESS UNDER SECTION 2(f)**

The undersigned hereby declares as follows:

1. I am an authorized representative of the Applicant corporation and am authorized to sign this Declaration on behalf of the Applicant;
2. Applicant was incorporated in 1996. Applicant has been providing hotels and consumers alike with an online hotel reservation service through which hotels all over the world can advertise their rooms for reservation and through which consumers all over the world can make reservations. Between 1996 and June 2006, Applicant provided this service using the mark BOOKINGS. In June 2006, Applicant modified its mark to BOOKING.COM and has been providing services under that mark since then.
3. In connection with its mark BOOKING.COM, Applicant offers customers the ability to make reservations at over 446,000 hotels and accommodations-providers in over 200 countries.
4. The total transaction value of mobile accommodation reservations made through the BOOKING.COM website more than doubled from over \$3 billion in 2012 to over \$8 billion in 2013.

5. Applicant's BOOKING.COM branded website receives over thirty million (30,000,000) unique visitors each month.

6. Over the past six months, Applicant's BOOKING.COM branded website has received an average of 10.3 million (10,374,527) unique visitors from the United States per month. Below is a true screenshot of Quantcast, a web metrics tool, that shows the number of unique visitors to BOOKING.COM from the United States as follows: 10,631,010 (Aug. 2013), 9,918,025 (Sept. 2013), 8,618,932 (Oct. 2013), 7,122,169 (Nov. 2013), 7,061,055 (Dec. 2013), 9,678,611 (Jan. 2014).



7. Over 625,000 room nights are reserved through Applicant's BOOKING.COM service every day.

8. Applicant offers its BOOKING.COM service in more than 40 languages.

9. There are over 2.2 million United States-based subscribers to newsletters branded under the BOOKING.COM mark. These newsletters advertise Applicant's BOOKING.COM service and are sent out an average of 2-3 times per month.

10. Applicant has reached millions of American television viewers through BOOKING.COM television commercials aired on the following channels: ABC, CBS, NBC Sports, Fox Soccer, MSNBC, TBS, TNT, A&E, History, USA, Comedy Central, Bravo, HGTV, FX, IFC, Travel, Style, E!, TNT, AMC, ESPN, BBC, DIY, Fox Soccer, NBA TV, Science Channel, TLC, Nat Geo, SYFY, Spike, and TruTV, among others.

11. Applicant's BOOKING.COM service has received numerous industry awards, including, for example:

- J.D. Power and Associates, a premier research and analytics firm, ranked BOOKING.COM First in Consumer Satisfaction among independent travel websites based on a consumer survey (awarded in 2013);
- Hospitality Sales & Marketing Association International, the hospitality industry's leading advocate for intelligent, sustainable hotel revenue growth, awarded Booking.com a "Gold" level Adrian Award for its 2013 BOOKING.YEAH advertising campaign (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the "Best Tablet App" (awarded in 2014);
- Mobile Travel & Tourism awarded BOOKING.COM the Best Mobile Site. (awarded in 2014).

Copies of these awards or press about the awards is attached as composite *Exhibit A*.

12. In the first quarter of 2013, Applicant reached over 20 million (20,000,000) American consumers through BOOKING.COM commercials broadcast in movie theaters prior to the feature film.

13. In the first quarter of 2013, Applicant reached over 19 million (19,000,000) American consumers through BOOKING.COM Internet commercials streamed on websites such as Hulu.com, Tremor.com, and YouTube.com.

14. On the social media website, Facebook.com, over 1.8 million people have “liked” BOOKING.COM and nearly 58,000 consumers are “talking about” BOOKING.COM. Below is a true and correct screenshot from the BOOKING.COM Facebook page.



15. On the micro-blogging site Twitter, over 42,000 people are “following” BOOKING.COM. Customers frequently use @bookingcom to engage Applicant in dialogue through Twitter.

16. A search for Applicant’s mark BOOKING.COM on the Google News service generated over 2,000 unsolicited news articles. These news articles use BOOKING.COM to refer to Applicant, specifically. A representative sample of these articles include the following:

- NBC News, “Hotel booking giant Booking.com flexes muscle in US,” by Rob Lovitt, available at <http://www.nbcnews.com/travel/travelkit/hotel-booking-giant-booking-com-flexes-muscle-us-1B8068233> (January 23, 2013).

- Orlando Business Journal, "Booking.com adding 200 positions in Orlando," by Cindy Barth, available at <http://www.bizjournals.com/orlando/news/2013/01/30/bookingcom-adding-200-positions-in.html> (January 30, 2013).
- ADWEEK, "Ad of the Day: Booking.com," by Gabriel Beltrone, available at <http://www.adweek.com/news/advertising-branding/ad-day-bookingcom-146688> (January 22, 2013).
- Los Angeles Times, "Readers recommend: Booking.com for last-minute hotel reservations," by John Alkema, available at <http://articles.latimes.com/2011/dec/10/travel/la-tr-recs-20111207> (December 10, 2011).
- Hospitality.net, "Booking.com Announces Distribution Agreement with Marriott International," available at <http://www.hospitalitynet.org/news/154000320/4037753.html> (September 17, 2008).


Copies of these articles are enclosed as *Exhibit B* to this Declaration.

17. Although Booking.com maintains its actual advertising budgets and sales figures as confidential, based on the above evidence and my knowledge of the business, I am quite certain that the subject mark is recognized as a source-identifier and has become distinctive of Applicant's services through its substantial sales and great commercial success, as well as its substantially exclusive and continuous use of the mark in U.S. commerce for many years, including Applicant's substantially exclusive and continuous use of the subject mark in U.S. commerce for at least the five (5) years immediately before the date of this statement.

18. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application and accompanying declaration are true; all statements are made of his own knowledge are true; and all statements made on information and belief are believed to be true.

Applicant,
Booking.com B.V.

Date: May 12, 2014

By: 

Name: Rutger Marinus Prakke

Title: Director

The All-New, All-Season
ECSTA PA31



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VALID 9/1/13 - 10/31/13

Travel

J.D. Power & Associates travel ratings are your guide to finding which airlines, airports, hotels, and rental car companies ranked highest in J.D. Power consumer studies. All Power Circle Ratings are based on the opinions of a sample of consumers who have used or owned the product or service being rated and are therefore indicative of a typical buying experience.



Travel Studies



Travel Studies

2013 Cruise Line Satisfaction Report

Award Recipients

Disney Cruise Line

[View Ratings](#)

2012 Independent Travel Website Ratings

Award Recipients

Booking.com

[View Ratings](#)



Press Release

J.D. Power and Associates Reports: Pricing Is the Strongest Driver of Satisfaction with Independent Travel Websites

Booking.com Ranks Highest in Overall Satisfaction among Independent Travel Websites

WESTLAKE VILLAGE, Calif.: 30 November 2012 — Satisfaction with the price paid on a travel website drives high overall satisfaction among consumers with their overall website experience, according to the J.D. Power and Associates 2012 Independent Travel Website Satisfaction ReportSM released today.

“Reinforcing the correlation between overall satisfaction and satisfaction with pricing, the highest-ranked travel websites in overall satisfaction all have significantly higher price satisfaction scores than the report average,” said Sara Wong Hilton, director at J.D. Power and Associates. “While other factors certainly affect overall satisfaction, 75 percent of online travel website consumers indicate price as a primary purchase reason, so there is no denying price greatly impacts the overall website experience.”

The report measures consumers’ overall satisfaction with their purchase experience on an independent travel website, which consists of a vacation package, flight, hotel or rental car. The report examines seven factors (listed in order of importance): competitiveness of pricing; usefulness of information; availability of booking/reservation options; website/online store; ease of booking/reserving; competitiveness of sales and promotions; and contact with customer service. The relative importance of customer service in driving overall satisfaction is low, as only 29 percent of online consumers indicate that they contacted customer service; however, among those who contacted customer service, this becomes the most important factor. Overall satisfaction with independent travel websites averages 798 (on a 1,000-point scale).

The report finds that consumers visiting independent travel websites most often book flight reservations (61%), followed by hotels (57%), rental cars (28%) and vacation packages (16%). Among these options, satisfaction is highest among consumers who booked a vacation package (831). Notably, consumers who purchase a vacation package are the most active travel website shoppers, visiting their primary travel website an average of 43 times annually and completing a purchase an average of seven times, significantly more than the report average of 20 visits and four purchases per year. Satisfaction is second highest among consumers who book a rental car, who are also the second-most-active group of shoppers, visiting their primary travel website an average of 32 times and completing a purchase an average of six times annually.

Younger independent travel website consumers (18-24 years of age) value recommendations from others significantly more than do those in any other age group¹ and significantly more than the report average. More than one-fourth (27%) of these younger consumers say they selected their travel website due to a recommendation from family, friend or colleague, compared with the report average of 16 percent. Additionally, nearly one-third (32%) of younger consumers say they selected their travel website because of positive reviews of the brand, compared with the report average of 20 percent. Conversely, 81 percent of consumers between the ages of 45 and 54 indicate they selected their primary travel website for the competitiveness of its pricing, significantly higher than the report average of 75 percent and higher than for any other age group.

¹ Age groups included in this report are 18-24; 25-34; 35-44; 45-54; and 55+
(Page 1 of 2)

Independent Travel Website Satisfaction Rankings

Booking.com ranks highest with a score of 816, performing particularly well in availability of booking/reservation options; ease of booking/reserving; and pricing. Following Booking.com in the rankings are Hotwire.com (813) and Priceline.com (808).

The 2012 Independent Travel Website Satisfaction Report is based on responses from 2,009 consumers who made an online purchase from an independent travel website in the past 12 months. Invitations to participate in the online survey were sent via email to online panelists in October and November 2012. J.D. Power and Associates received completed questionnaires through November 16, 2012.

About J.D. Power and Associates

Headquartered in Westlake Village, Calif., J.D. Power and Associates is a global marketing information services company providing performance improvement, social media and customer satisfaction insights and solutions. The company's quality and satisfaction measurements are based on responses from millions of consumers annually. For more information on [car reviews and ratings](#), [car insurance](#), [health insurance](#), [cell phone ratings](#), and more, please visit [JDPower.com](#). J.D. Power and Associates is a business unit of The McGraw-Hill Companies.

About The McGraw-Hill Companies

McGraw-Hill announced on September 12, 2011, its intention to separate into two companies: McGraw-Hill Financial, a leading provider of content and analytics to global financial markets, and McGraw-Hill Education, a leading education company focused on digital learning and education services worldwide. McGraw-Hill Financial's leading brands include Standard & Poor's Ratings Services, S&P Capital IQ, S&P Dow Jones Indices, J.D. Power and Associates and Platts, a leader in commodities information. With sales of \$6.2 billion in 2011, the Corporation has approximately 23,000 employees across more than 280 offices in 40 countries. Additional information is available at <http://www.mcgraw-hill.com/>.

J.D. Power and Associates Media Relations Contact:

Jeff Perlman; Brandware Public Relations; Woodland Hills, Calif.; (818) 598-1115; jperlman@brandwarepr.com
John Tewes; Troy, Mich.; (248) 680-6218; media.relations@jdpa.com

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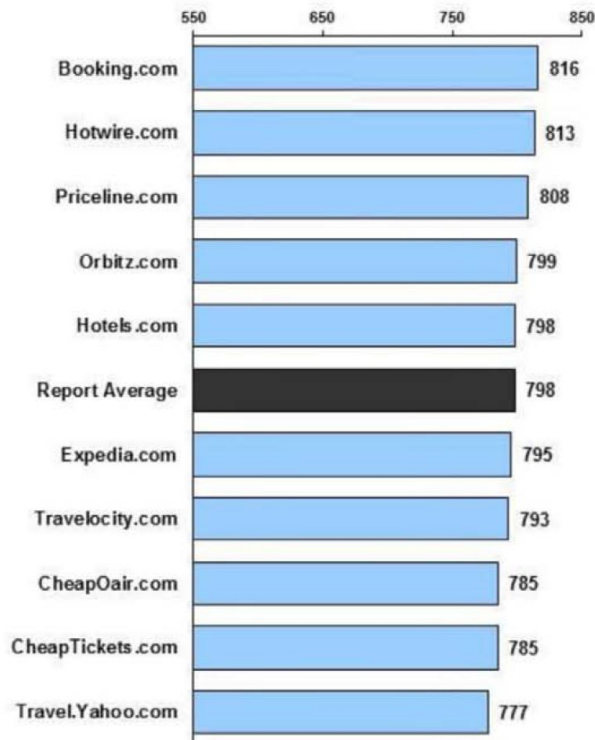
(Page 2 of 2)

NOTE: One chart follows.

J.D. Power and Associates 2012 Independent Travel Website Satisfaction ReportSM

Customer Satisfaction Index Ranking

(Based on a 1,000-point scale)



Note: Included in the report but not ranked due to low sample is BookingBuddy.com

Source: J.D. Power and Associates 2012 Independent Travel Website Satisfaction ReportSM

Charts and graphs extracted from this press release must be accompanied by a statement identifying J.D. Power and Associates as the publisher and the J.D. Power and Associates 2012 Independent Travel Website Satisfaction ReportSM as the source. Rankings are based on numerical scores, and not necessarily on statistical significance. No advertising or other promotional use can be made of the information in this release or J.D. Power and Associates survey results without the express prior written consent of J.D. Power and Associates.

Gold

2013 ADRIAN AWARDS ADVERTISING

Amelia Island CVB

Entry: "The Classic South is Alive and Well in Florida"

Category: MAGAZINE OR NEWSPAPER—Consumer

Agency: Paradise Advertising, Digital & Entertainment

Amelia Island CVB

Entry: "Southern Hospitality Meets Florida's Legendary Island"

Category: MAGAZINE OR NEWSPAPER—Consumer

Agency: Paradise Advertising, Digital & Entertainment

Amelia Island CVB

Entry: "The Splendor of Southern Hospitality"

Category: SIGNAGE—Outdoor/Transit

Agency: Paradise Advertising, Digital & Entertainment

Amelia Island CVB

Entry: Welcome Center Campaign: "Elegance" "Rooted" "Splendor"

Category: Signage—Outdoor/Transit

Agency: Paradise Advertising, Digital & Entertainment

Amelia Island CVB

Entry: "A Florida Beach With A Southern Accent"

Category: COMPLETE CAMPAIGN (to include Positioning)—Consumer/Group Sales/Travel Trade

Agency: Paradise Advertising, Digital & Entertainment

AMResorts

Entry: Now Resorts & Spas Rebrand Campaign

Category: DIRECT MAIL—Travel Trade

Best Western International

Entry: Best Western Disney Summer Promo Sweepstakes

Category: CONTEST/SWEEPSTAKES—Consumer/Group Sales/Travel Trade

Booking.com

Entry: Booking.yeah

Category: TELEVISION—Consumer

Agency: Wieden + Kennedy Amsterdam

Brand USA

Entry: Brand USA: 2013 Discover America Inspiration Guide

Category: BROCHURE—Travel Trade

Agency: Miles

Casa de Campo

Entry: Casa de Campo The Sporting Life Advertising Campaign

Category: COMPLETE CAMPAIGN (to include Positioning)—Consumer/Group Sales/Travel Trade

Agency: PIL Creative Group

Embassy Suites, Hilton Worldwide

Entry: Embassy Suites 311 Travel Bag

Category: DIRECT MAIL—Group Sales/Meetings

Agency: Sullivan Branding

Hampton Convention & Visitor Bureau

Entry: Hampton Convention & Visitor Bureau Sports Mailer

Category: DIRECT MAIL—Group Sales/Meetings

Agency: Meridian Group

Hampton, Hilton Worldwide

Entry: Hampton Sales Brochure & Waffle USB

Category: BROCHURE—Group Sales/Meetings

Agency: Sullivan Branding

Homewood Suites by Hilton

Entry: Homewood Suites by Hilton Military Campaign

Category: COMPLETE CAMPAIGN (to include Positioning)—Consumer/Group Sales/Travel Trade

Agency: Van Winkle Pearce

Hurtigruten ASA

Entry: Hurtigruten Explorer catalogue

Category: BROCHURE—Consumer

Agency: LOS&CO

Hyatt Hotels Corporation

Entry: 2012 Hyatt Group Awareness Campaign

Category: MAGAZINE OR NEWSPAPER—Group Sales/Meetings

Agency: BBDO New York

IMEX America

Entry: IMEX America: The pulse of the meetings industry

Category: GROUP SALES

Agency: Dana Communications

Kennedy Space Center Visitor Complex

Entry: Kennedy Space Center Angry Birds™ Space Encounter Advertising Campaign

Category: COMPLETE CAMPAIGN (to include Positioning)—Consumer/Group Sales/Travel Trade

Agency: MMGY Global

Las Vegas Convention and Visitors Authority

Entry: Las Vegasdotcom

Category: COMPLETE CAMPAIGN (to include Positioning)—Consumer/Group Sales/Travel Trade

Agency: R&R Partners

Marriott International

Entry: Marriott Run the Warehouse 2012

Category: CONTEST/SWEEPSTAKES—Consumer/Group Sales/Travel Trade

Agency: Magnani Continuum Marketing

Marriott International, Inc.

Entry: MARRIOTT REWARDS® ELITE MEMBER KITS

Category: DIRECT MAIL—Consumer

Agency: Marriott Creative Agency

2013 ADRIAN AWARDS

ADVERTISING

Gold

Micato Safaris

Entry: Micato Safaris 2013–2014 Brochure

Category: BROCHURE—Consumer

Agency: Micato Safaris

Michigan Economic Development Corporation

Entry: Pure Michigan Television Advertising

Category: TELEVISION—Consumer

Agency: Weber Shandwick

Michigan Economic Development Corporation

Entry: Pure Michigan Radio Advertising

Category: RADIO—Consumer

Agency: Weber Shandwick

Michigan Economic Development Corporation

Entry: Pure Michigan Advertising Campaign

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Weber Shandwick

Missouri Division of Tourism

Entry: “Enjoy the Show” Integrated Campaign

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: H&L Partners

Naples, Marco Island, Everglades CVB

Entry: “Paradise Refined And Redefined”

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Paradise Advertising, Digital &
Entertainment

Naples, Marco Island, Everglades CVB

Entry: “Paradise Refined And Redefined” for
Southern Living Magazine

Category: SPECIAL ADVERTISING
SECTION

Agency: Paradise Advertising, Digital &
Entertainment

Naples, Marco Island, Everglades CVB

Entry: “Winter Gloves To Golf Gloves In
One Click”

Category: SIGNAGE—Outdoor/Transit

Agency: Paradise Advertising, Digital &
Entertainment

Naples, Marco Island, Everglades CVB

Entry: Toronto Outdoor: “Snowshoes”
“Winter Gloves” “Island Time”

Category: Signage—Outdoor/Transit

Agency: Paradise Advertising, Digital &
Entertainment

Naples, Marco Island, Everglades CVB

Entry: “This Is My Paradise”

Category: LOYALTY PROGRAM—Member
Marketing

Agency: Paradise Advertising, Digital &
Entertainment

Seminole County CVB

Entry: Airport Sign: “Best Watering Holes”

Category: SIGNAGE—Outdoor/Transit

Agency: Paradise Advertising, Digital &
Entertainment

Seminole County CVB

Entry: “No Fast Passes”

Category: TELEVISION—Consumer

Agency: Paradise Advertising, Digital &
Entertainment

Seminole County CVB

Entry: Welcome Center Campaign

Category: Signage—Outdoor/Transit

Agency: Paradise Advertising, Digital &
Entertainment

Seminole County CVB

Entry: “Orlando’s Wild Side”

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Paradise Advertising, Digital &
Entertainment

Sonoma County Tourism

Entry: Sonoma Sneakaway

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

South Dakota Department of Tourism

Entry: South Dakota Tourism Bus Tour
Campaign

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: MMGY Global

Springfield Missouri Convention & Visitors Bureau

Entry: Sammie Springfield Direct Mail
Campaign

Category: DIRECT MAIL—Group
Sales/Meetings

Agency: MMGY Global

Tauk

Entry: Tauk Prospecting Direct Mailer

Category: DIRECT MAIL—Consumer
Agency: ISM

The Venetian

Entry: Winter In Venice

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Venetian Marketing

Travel Alberta

Entry: “There Is”

Category: DVD/CD/VIDEO Consumer/
Group Sales/Travel Trade

Agency: Copithorne & Blakely

Utah Office of Tourism

Entry: Montgomery Tunnel Outdoor
Installation

Category: SIGNAGE—Outdoor/Transit
Agency: Struck

Gold

2013 ADRIAN AWARDS ADVERTISING

Visit Seattle

Entry: 2 Days In Seattle

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Copacino+Fujikado

Visit South Walton

Entry: Recharge with South Walton
at BlogHer 13

Category: TRADESHOW MARKETING
CAMPAIGN

Agency: Zehnder Communications

Visit South Walton

Entry: Visit South Walton Emerging
Markets Campaign

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

Agency: Zehnder Communications

Visit Seattle

Entry: 2 Days in Seattle Campaign

Category: COMPLETE CAMPAIGN
(to include Positioning)—Consumer/
Group Sales/Travel Trade

ABOUT HSMAI

The Hospitality Sales and Marketing Association International (HSMAI) is committed to growing business for hotels and their partners, and is the industry's leading advocate for intelligent, sustainable hotel revenue growth. The association provides hotel professionals & their partners with tools, insights, and expertise to fuel sales, inspire marketing, and optimize revenue.



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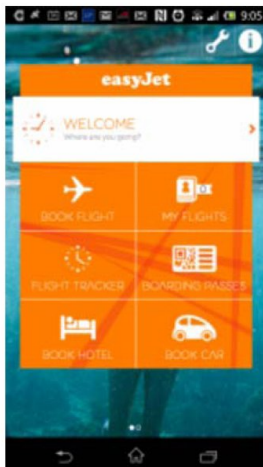
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Mobile Travel & Tourism Awards – Winners Revealed

By David Murphy | on April 3, 2014 | 0 Comment

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easyJet took the award for Best Mobile Booking Solution

The winners of the Mobile Travel & Tourism Awards were revealed last night at an informal Awards Ceremony after the Mobile Travel & Tourism Summit.

Booking.com took two awards, while Contiki Travel EasyJet, Royal Caribbean Cruises and Mobile Onboard took one each.

The Best Mobile App – b2c went to Contiki Travel for its Shout! App, developed by Hi Mum Said Dad. The app enables travellers to curate, co-ordinate and share their travelling experiences with other travellers, or friends back home.

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The Best Tablet App went to Booking.com for its supremely user-friendly iPad app, which enables users to quickly and easily book a stay at over 425,000 accommodations across 25 different accommodation types and 63,000 destinations globally. Booking.com also took the award for Best Mobile Site.

The Best Mobile Booking Solution went to its easyJet for its brilliant smartphone app, while the Best Mobile Ticketing Solution went to Mobile Onboard for its My Mobile Tickets platform, which enables transport operators to quickly deploy mobile ticketing services.

The final award, for Best Destination Marketing Solution, went to Royal Caribbean for its Penguin Ahoy mobile game, created by Hi Mum! Said Dad. The game is designed to dispel the myth that cruising is not for families with kids. By playing the game, parents and children can explore the range of entertainment and facilities available on board a cruise ship.

Over 175 delegates attended the event over the course of the day, to hear from a variety of travel brands and mobile marketing experts offering insights and advice on mobile and digital marketing strategies. Search #mtravelsummit on Twitter for a round-up of the best Tweets from the day.

Here's a full list of the winners and finalists:

Best Mobile App – b2c

Winner – Contiki Shout

Shortlisted:

Booking.com

EasyJet

MX Data Tube Map

Royal Caribbean Penguin Ahoy

VIP SKI

Best Tablet App

Winner – Booking.com iPad App

Shortlisted:

Apadmi & the British Museum's Life & Death of Pompeii & Herculaneum Exhibition App

VIP SKI iPad app

Best Mobile Site

Winner – Booking.com

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Flybe

Best Mobile Booking Solution

Winner – easyjet Mobile App



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Shortlisted:

Booking.com Mobile App

GO Voyages

Best Mobile Ticketing Solution

Winner – Mobile Onboard: My Mobile Tickets

Shortlisted:

Corethree Brighton and Hove Buses mobile ticketing solution

Best Mobile Destination Marketing Solution

Winner – Royal Caribbean Penguin Ahoy

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Co-founder and editorial director of Mobile Marketing magazine, the global publication for the mobile marketing businesss



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Rob Lovitt, NBC News contributor — 19 days

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Hotel booking giant Booking.com flexes muscle in US

William Shatner and Kaley Cuoco may want to watch their backs.

While the fate of the Priceline spokesman (and his recently revealed daughter!) remains unclear — they were last seen speeding away from a remote monastery — one of the company's other brands is moving in on his turf.

On Tuesday, Priceline-subsiidiary Booking.com launched its first ad campaign targeting the U.S. market. Set to play on TV, movie and computer screens across the country, the ads feature a variety of "regular-folk" travelers who approach their hotel rooms with trepidation, nervously open

the doors and discover that "(They) got it right; (they) got it booking right!"

Booking.com

"The U.S. is one of the largest, if not the largest, travel markets in the world," said Paul Hennessy, chief marketing officer for the Netherlands-based company. "We think the market is absolutely ready for a different kind of website, one that is completely focused on a single task, which is getting the best accommodations for our customers."

In fact, even though many Americans are unfamiliar with the brand, Booking.com is the largest hotel-booking site in the world with access to 265,000 hotels in 178 countries. Launched in 1996, the company now books an average of 400,000 room nights per day and accounts for 150 million room nights per year.

The new campaign, titled Booking.yeah, is built on the premise of helping



travelers experience the "delight of right" as in getting not just a room, but the absolutely best room for them. In the ads, a family of five shuffles down a hotel hallway, a trio of girlfriends trudge across the sand and a couple drives up to a jungle resort, all while an overly emotional narrator intones:

"This vacation has been a year in the planning and here you are, standing, nay, staring down your dream. The rest of your holiday hinges on the moment you walk through that door. The door opens ... you hold your breath ... and then you realize. You got it right; you got it booking right."

According to Hennessy, it's especially important for U.S. travelers to "get it right" because we get less vacation time than our counterparts in Europe.

"The American market is the most oversupplied in terms of choices but the most undersupplied in terms of vacation days," he told NBC News. "Your vacation is so critical; if you don't get it right, you might not get another bite of the apple for another year."

Not just right, mind you, but "booking right," a fervently repeated catchphrase that is clearly designed to echo an even more exclamatory one that, shall we say, rhymes with "You got it right; you got it bucking right."

Whether or not this is "what you booking needed," as the ads also proclaim, the new campaign can be seen as part of parent-company Priceline's ongoing efforts to evolve. Those efforts include rolling out new Express Deals **ads featuring Shatner and Cuoco** earlier this month and buying Kayak.com for \$1.8 billion last November.

"What Priceline is saying is we want to have all our brands operating everywhere," said travel industry analyst Henry Harteveldt of Hudson Crossing. "Booking.com is actually the largest division of the company so it makes perfect sense for them to initiate a U.S. presence."

And, no doubt, give the competition a run for its money. "Booking.com entering the U.S. is not good news for Expedia because the site is going to be a very credible challenge to (Expedia-owned) Hotels.com," said Hartevekt. "That's really what (Priceline) is doing with this."

Things could get very booking interesting, indeed.

Rob Lovitt is a longtime travel writer who still believes the journey is as important as the destination. [Follow him at Twitter.](#)

Tags: Smart traveler , hotels , deals , william-shatner , priceline

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Jan 30, 2013, 4:26pm EST

Booking.com adding 200 positions in Orlando



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AdChoice

Booking.com announced plans on Wednesday to add 200 new jobs at its Orlando call center during 2013.

The online hotel reservation company, part of Norwalk, Conn.-based Priceline.com (Nasdaq: PCLN), currently has 30 positions available, with another 30 to open in February.

Site director [Cindy Elenbaas](#) said most of the positions are customer service-focused, involving communicating via email and telephone with customers dealing with travel booking challenges.

Job seekers should submit their applications on the Booking.com career page [here](#).

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Ad of the Day: Booking.com W+K welcomes the lodging site to the U.S. with a spot full of unbridled joy By Gabriel Beltrone

January 22, 2013, 7:02 AM EST Advertising & Branding



Advertisement

A crappy hotel room will cast a pretty dark cloud over a vacation. Don't get a crappy hotel room.

Priceline-owned accommodations site Booking.com is launching its first-ever TV campaign—a paean to the moment of relief, which can then manifest as elation, when a traveler opens his or her hotel-room door for the first time and realizes, after the long slog to get there, that it's totally posh and comfortable (rather than say, roadside-motel seedy with stains on the bedsheets). Created by Wieden + Kennedy in Amsterdam, the campaign is titled "The Delight of Right"—meaning, the delight of getting the hotel room right—and will start out airing on cable and broadcast in the U.S.

The company already has strong roots in Europe. It's booked more than a billion nights for guests since launching in 1996, lists some 265,000 properties worldwide, ranging from bed-and-breakfasts to treehouse hotels, and offers customer service in 41 languages. But it's looking to gain share in the U.S., where it's highly rated among consumers (per J.D. Power & Associates). U.S. workers' typical two-week vacation allotments, smaller than in other markets, raise the stakes further on getting the hotel choice right, Booking.com CMO Paul

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Hennessy said, leading the brand to focus its messaging on the site's ability to help users feel secure in their decision, aided by photos and reviews for each location.

Featured Jobs

The spot itself, directed by Traktor, is nicely put together and caters just for enough beyond the obvious to make it into a charmingly goofy commercial. It's a shame that the head with the brand name by using it as a substitute for a lot more annoying than it is—the fact that it's a lot more annoying than it is.

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Hopefully, for that couple, whatever that monster is, it's not aggro enough to join them in

the chump star

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A ski boot with a retractable ski? Almost sounds too good to be true

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Firemen are hot, but astronauts are hotter, says the brand, which plans to send 22...

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 Executive Producer: Michelle Corney

Audio Post: Wave Amsterdam
 Sound Designer/Mixer: Alex Nicholls-Lee

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Topics: Ad of The Day, Booking.com, Travel Sites, Wieden + Kennedy, Creative, Agency

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Gabriel Beltrone is a staff writer for Adweek. [Follow @gbeltrone](#)

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Readers recommend: Booking.com for last-minute hotel reservations

December 10, 2011

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My partner and I recently spent two weeks driving around Europe. We often arrived in towns without hotel reservations. A simple solution: If you have an iPad or other Internet connection, go to <http://www.booking.com>. Look for hotels in your price and/or facilities range, book the hotel and use your Internet connection for directions. We used this process in Budapest, Hungary, and Salzburg, Austria. Once we arrived at the hotel before the front desk had the opportunity to read the booking email.

John Alkema

by email

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17 September 2008

Booking.com Announces Distribution Agreement with Marriott International

AMSTERDAM, Netherlands | Booking.com, a leading international online hotel reservation service that is part of priceline.com (Nasdaq: PCLN), announced today a new multi-year distribution agreement with Marriott International, Inc. (NYSE: MAR). The agreement covers all of Marriott's nearly 3,000 properties worldwide. Earlier this year, Marriott also renewed a similar agreement with priceline.com's Travelweb business unit. No terms of either deal were released.

"As a leading lodging company with broad global reach in all of the markets served by Booking.com, we are very excited to work with Marriott, whose quality is known the world over," said Michaela Baier, Area Manager, North America for Booking.com.

"Booking.com is the fastest-growing online hotel reservation service in Europe and it is quickly becoming a significant reservations source for many U.S. and Canadian destinations," said Lorraine Voll Morris, VP eDistribution, Marriott International. "We have a longstanding relationship with Priceline.com and look forward to strengthening our global collaboration in this significant way."

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